

HOUSE OF REPRESENTATIVES—Monday, July 29, 1996

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. COBLE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 29, 1996.

I hereby designate the Honorable HOWARD COBLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS] for 5 minutes.

NO MORE GOVERNMENT SHUTDOWNS

Mr. GEKAS. Mr. Speaker, no more Government shutdowns. That seems like a silly warning in the middle of the summer, when the end of the fiscal year still is 2 months ahead of us. The fiscal year, as everyone knows, for the Congress of the United States, for the Government of the United States, ends on September 30. If indeed there be no budget enacted by that date, then the next day the Government has to shut down, unless one of two things could occur: One, a full budget would be passed in the last hours so that a new budget would be in place on the first day of the new fiscal year, October 1; or the Congress, in its wisdom, along with an agreement from the White House to issue a temporary funding stream to allow the negotiators more time to bring about a full budget, would enter into a continuing resolution, a temporary funding mechanism, from October 1, to, let us say, November 1, giving another month to the negotiators to bring about what we all hope would be the case, a full budget for the next fiscal year.

But what has happened quite often, especially in the last year, and dating way back to 1985, in my own experience in the Congress, the Congress has failed to bring about a budget by September 30, and has had to indulge in these temporary funding measures. At the end of each one of those, when there is a breakdown in negotiations, then there occurs the threat of a Government shutdown or an actual shutdown.

Let me give you the most egregious example of what occurred when, in one previous session, the Congress failed to bring about a budget by September 30.

Our youngsters, the members of the Armed Forces in that era, 1991, were gathering in the deserts of the Middle East under Desert Shield, the deployment of our troops in preparation for Desert Storm.

In December 1990, they were all gathered, 300,000 or 400,000 strong, our young men and women, our fellow citizens, our Armed Forces, and in the middle of their preparation to do battle with the forces of Saddam Hussein, there was a Government shutdown.

Now, is that not a sad thing to contemplate, to have the Armed Forces ready to do battle, and their Government, our country, shuts down its Government?

This did not deter them, this event back home, from continuing to gear up for the eventual battle. But the point is, how can we as a people and Congress continue to sustain the threat of a Government shutdown, for any purpose? Not only does it look awful, and it is awful, but then there are payless paydays for people who work for the Federal Government, there is the threat of Social Security checks and veterans benefits and other matters on which fellow citizens rely which would come to a sneaking halt, or special measures would have to take place to do them.

Anyway, we have to end Government shutdowns. Now, I have proposed, since 1988 I believe, almost every year, and I have gone before the relevant committees to discuss this issue, and I came up with a proposal. My fear is that it will not pass because it makes common sense, but I am going to keep trying.

Here is the way this works: If on September 30, the end of the fiscal year, there is no new budget in place, then on October 1, the next day, automatically under my proposal there would be reenacted and will come into play last year's budget automatically, until a new budget can be enacted.

That means that there will never be a Government shutdown as long as we

operate in the Congress of the United States. Because even if they enter into a continuing resolution, the temporary funding mechanism, at the end of that period, if they still have not produced a budget, where today we would have the threat of a Government shutdown, we would have an instant replay of the then current temporary funding measure, thus Government would go on until the budget is put into its final face.

That is what I have proposed. Now, there are some questions. Does this rob the appropriators, the people whose job it is to produce the appropriations bills, to have them signed by the President? We think not.

Mr. Speaker, it is time to end Government shutdowns.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3540. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3540) "An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCONNELL, Mr. SPECTER, Mr. MACK, Mr. JEFFORDS, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. HATFIELD, Mr. LEAHY, Mr. INOUE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD to be the conferees on the part of the Senate.

TAX LEGISLATION FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning business for 5 minutes.

Ms. NORTON. Mr. Speaker, I have put in a unique remedy for a catastrophic financial crisis in the District of Columbia. Questions have been raised about it. I think I and the people I represent are due the courtesy of a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

moratorium on off-the-cuff conclusions about the bill until they are fully briefed.

The reasons, of course, for my bill, for a tax cut for the District, lie in the unique disadvantages of the city and the unique remedy it will take to solve them.

We lost more residents in the first half of the 1990's than we did in the entire 1980's. Perhaps we share that in common with other cities, but virtually nothing else. Uniquely, we have no way to recoup revenue when we lose people.

Leon Panetta, a personal friend and a friend of the District, spoke on television yesterday about my bill. In virtually every respect he was way off the mark. For example, Leon said congresspeople would be able to get this tax cut. They do not pay D.C. income taxes. The law requires them to be citizens of their own States.

Imagine the pain in my District when they heard opposition to a tax cut to the District because it would be unfair to other cities. I never would have put the tax cut bill in in the first place if we had a State like other cities. We are the only city in the United States which has State responsibilities and State costs, and no State. Seventy-five percent of the money that big cities get, they get from external sources, such as State aid.

I do not oppose Mr. Panetta's notion that we ought to have some tax-based remedy for other cities. I welcome it. I would be thrilled. But do not hang a bunch of unique responsibilities around our necks and then say when it comes to relief, the same relief must go to those who do not have those unique responsibilities.

There are four reasons, briefly, why I have put this bill in. We are the only city required to pay for State, county, and municipal functions. That means that we pay for Medicaid. Thirty-seven States get a greater Federal contribution for Medicaid than the District of Columbia.

We are the only city with no State to recycle income from wealthier areas. Detroit has Michigan, Mr. Panetta. New York City has New York State. We have nobody.

We are the only city barred by Congress from a commuter tax, and commuters take two-thirds of the revenue out, use our services, and leave nothing, not one thin dime in tax revenue.

Finally, my constituents were particularly pained because apparently no notice has been taken of the fact that we are second per capita in Federal income taxes, with no full voting representation in the House or the Senate. Four territories, which have the same delegate to Congress as the District has, have paid no, I repeat, no Federal income taxes.

Yes, I have asked for a unique remedy, because there are unique respon-

sibilities. If you want to enlarge that to include the other great cities of the United States, be my guest. It would be magnificent.

Finally we would get an urban policy. The Control Board that Congress has set up is not reviving the economy of the District. It is in fact reviving the government of the District. But taxpayers are leaving at such a rate that your Capital of the United States is dissolving as I speak, and nobody, not the administration, and not soon enough the Congress, is stepping up to save it in time.

It will be too late 3 years from now. If there is to be a tax cut, let it be now, so there be time for it to kick in. If not a tax cut, then I challenge Mr. Panetta and every Member of this body to come up with a remedy during this session.

It is your Capital City. It may be my home as a fourth generation Washingtonian, but 200 years ago, you set up the Capital of the United States and you gave it special and peculiar disabilities. Are you going to let it go out of existence? Are you going to treat Washington, DC, less than England would treat London? Are you going to treat Washington, DC, less than France would treat Paris?

Do not compare the District of Columbia to Detroit, New York, Atlanta, or San Francisco, unless you give the people I represent the same citizenship rights and the same aid that those cities get. This is your Capital. Treat it as your Capital. Do not leave us stranded, swinging in the breeze, by the neck.

COMMENTS ON WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia. I think she is absolutely right, and I think that it is time that we try a different approach with the District. We have seen a failed policy of liberalism that has brought this District to what it is, and I think it is absolutely appropriate that at this time in the District's history, we should take advantage of the situation that we have here, and we should do something that is opportunity-oriented, that is incentive-oriented, using a different approach, and see what the results will be. I am absolutely confident that the results that the gentlewoman is looking for will in fact come about, and I am going to support her in her efforts. I appreciate the courage that the gentlewoman has taken to undertake this.

Mr. Speaker, I want to speak about the welfare bill that we dealt with last week. I want to start out, I came across a number of I think fascinating quotations from the State of the Union

address in 1935 by Franklin D. Roosevelt. I want to read some of those to you.

Mr. Roosevelt said:

The lessons of history confirmed by the evidence immediately before me show conclusively that continued dependence upon relief induces a spiritual and moral disintegration, fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit. It is inimical to the dictates of sound policy. It is in violation of the traditions of America. The Federal Government must and shall quit this business of relief.

This is Franklin Roosevelt in 1935. He goes on to say, "In the days before the Great Depression, people were cared for by local efforts."

Listen to this carefully. It sounds as though it was written for a speech for the new majority's welfare plan of 1996. Specifically the idea of sending power out of this city and back to States, communities, localities, churches, synagogues, et cetera.

He says:

In the days before the Great Depression, people were cared for by local efforts, by states, by counties, by towns, cities, by churches, and by private welfare agencies. It is my thought that in the future they must be cared for as they were before. I stand ready through my personal efforts and through the public influence of the office that I hold, to help these local agencies to get the means necessary to assume this burden.

Are you listening, President Clinton?

Local responsibility can and will be resumed for, after all, common sense tells us that the wealth necessary for this task existed and still exists in the local community, and the dictates of sound administration require that this responsibility be in the first instance a local one.

John F. Kennedy echoed these fundamental insights into human nature in 1962 when he said, "No lasting solution to the problem of poverty can be bought with a welfare check."

Finally, in 1931, President Roosevelt said, "The quicker that a man or woman is taken off the dole, the better it is for them during the rest of their lives."

Over four decades ago we launched a war on poverty with the best of intentions. But \$5.5 trillion later we have nothing to show but poverty, despair, hopelessness, broken families, and a damaged work ethic. We have ignored the basic law of nature, that when someone is given handout after handout after handout, without having something demanded in return, he or she is condemned to a lifestyle of dependency and the loss of personal dignity and self-worth.

Not surprisingly, this is also the root of a similar problem at the opposite end of the economic spectrum, children spoiled by affluent parents who shower them with material goods, but require nothing in return. This is literally the essence of what it means to spoil a

child. Yet there are also millions of middle class parents everywhere in America who require their children to clean their rooms, make their beds, complete their homework, and do daily chores in exchange for a modest allowance. This teaches responsibility, an understanding that money is given in exchange for work, and it bonds a child to his or her family in a relationship of mutual commitment and responsibility.

Congress has just passed a plan that tries to apply the kind of tough love, common sense approach to welfare reform that Americans know is morally right and have said that they want. The plan is based on the simple proposition that welfare recipients should work for their benefits, just like you work to support your family and to pay your taxes.

It also recognizes that there will be no real welfare reform without tackling the appalling problem of illegitimacy. Fully one in every three American babies is born out of wedlock today.

So I ask the Speaker to commend to the attention of the President this bill. I hope that he signs it. I hope it becomes law. It will clearly bode well for the future of our country going into the 21st century.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CALVERT) at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Protect us, O gracious God, all the day long until the shadows lengthen and the light is gone and we are alone. Remind us that we never walk the path of life alone or go through the valley by ourselves, but Your spirit leads and guides, Your strong arm is our strength, and Your grace is abundant for our every need. We place our prayers before You, O God, asking that You would bless us this day and direct us in the way of truth and peace and grace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. MOORHEAD] come forward and lead the House in the Pledge of Allegiance.

Mr. MOORHEAD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, July 30, 1996.

REPEALING OF PROVISION OF UNITED STATES CODE RELATING TO FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3215) to amend title 18, United States Code, to repeal the provision relating to Federal employees contracting or trading with Indians.

The Clerk read as follows:

H.R. 3215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3215.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3215 which repeals a provision of the Criminal Code, 18 U.S.C. 437, that prohibits certain Federal employees from contracting or trading with American Indians. The gentleman from Arizona, Mr. J.D. HAYWORTH, introduced H.R. 3215 on March 29, 1996.

Section 437 prohibits employees of the Bureau of Indian Affairs and the Indian Health Service from entering into contracts with American Indians for the purchase, transportation, or delivery of goods or supplies for any American Indian. It further prohibits these employees from engaging in any purchase or sale of services or property from or to any American Indian. Because these provisions prohibit any of these transactions in any case in which the Federal employee appears to benefit, they effectively bar any such transaction with a family member of the Federal employee. A violation of this section is punishable by a fine or imprisonment of up to 6 months.

Section 437, first passed in the 1800's, was enacted to prevent Federal employees who are involved in administering programs to assist American Indians from taking advantage of those they are supposed to be helping. While it was well-intentioned when passed, today it is outdated and no longer necessary. In addition, the section has the perverse effect of making it harder for the Indian Health Service to recruit and retain good medical employees for remote reservations because those employees' spouses are prohibited from trading with the local Indians.

In 1980, Congress amended this statute to allow the executive branch to provide, by regulation, for exceptions to the general prohibition on trading. Because H.R. 3215 will repeal the authority under which these regulations were promulgated, they should be repealed if this bill is enacted. As a practical matter, these regulations providing for exceptions will no longer be necessary nor effective because the general prohibition will no longer exist. However, I want to make it clear that this repeal should not be construed to prejudice any person who has lawfully acted in reliance on those regulations. I also want to make it clear that even though we are repealing section 437, and thereby rendering the regulations providing for exceptions unnecessary, all other applicable general standards of ethical conduct for these Federal employees remain in effect.

Similar legislation passed the other body on October 31, 1995, as part of a broader package of technical amendments to laws relating to Indians—S.

325. The package passed by unanimous consent. Last week, the Committee on Indian Affairs in the other body by voice vote ordered favorably reported S. 199, a separate bill that addresses only the repeal of section 437. The Department of the Interior, of which the Bureau of Indian Affairs is a part, testified in favor of the repeal of section 437 at hearings on S. 325. I am informed that the Department of Health and Human Services, which includes the Indian Health Service, is in favor of repeal of section 437. I am also informed that the Navajo Nation and the Hopi Tribe are in favor of this legislation. I do not have any reason to believe that any other American Indian groups oppose this bill. I urge all Members to support this worthy legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the bill.

Mr. Speaker, this bill enjoys bipartisan support. The current law prohibits employees from the Bureau of Indian Affairs and the Indian Health Service from entering into contracts with Indians or their families for the purchase, transportation or delivery of goods or services. It also prohibits these employees from engaging in any purchase or sale of services with the property of any Indian.

When first passed in the 1980's, the legislation was designed to prevent Federal employees who were involved in administering programs to help Indians from taking advantage of the Indians they were supposed to be helping.

While it was well-intentioned when passed, today the law appears to be outdated and has the negative effect of making it harder for Indian Health Services to recruit and retain good medical employees for remote reservations because those employees' spouses are prohibited from trading with local Indians.

Mr. Speaker, passing this bill will not diminish in any way the ethical standards because the people involved will still be covered by all of the ethics in Government regulations. The counterpart legislation passed the Senate by unanimous consent last year, and I urge Members to support the measure.

Mr. HAYWORTH. Mr. Speaker, I would like to take this opportunity to thank the distinguished chairman and ranking member of the House Judiciary Committee for their assistance in moving H.R. 3215 through the legislative process.

As my colleagues may know, the Trading with Indians Act was originally enacted in 1834, and at that time it served an important purpose: to ensure that Federal employees did not improperly influence native Americans. However, today this law is unnecessary and unproductive. It establishes a prohibition against commercial trading with native Americans by employees of the Indian Health Service [IHS] and Bureau of Indian Affairs [BIA]. In

many cases, this prohibition also extends to transactions undertaken by the spouse of a Federal employee.

The penalties for violations include a fine of not more than \$5,000, or imprisonment for not more than 6 months, or both. The act further provides that any employee who is found to be in violation should be terminated from Federal employment.

Enforcement of this outdated law has caused great difficulties for many native American families. It has also made it more difficult for IHS and BIA to retain quality Federal employees in certain facilities located on remote parts of reservations.

Both Health and Human Services Secretary Donna Shalala and Interior Assistant Secretary Ada Deer have expressed support for repealing the Trading with Indians Act. The Senate has already approved legislation which includes language identical to H.R. 3215. Both the Navajo Nation and the Hopi Tribe support passage of the bill. In fact, I am not aware of any opposition to H.R. 3215.

Repeal of the Trading with Indians Act is long overdue. Passage of H.R. 3215 would benefit numerous native American families, and I hope that my colleagues will join me in supporting this commonsense legislation.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 3215.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CODIFYING WITHOUT SUBSTANTIVE CHANGE LAWS RELATED TO TRANSPORTATION

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2297) to codify without substantive change laws related to transportation and to improve the United States Code, as amended.

The Clerk read as follows:

H.R. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 18, UNITED STATES CODE.

Section 2721(b) of title 18, United States Code, is amended as follows:

(1) In the matter before clause (1), strike "the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act" and substitute "titles I and IV of the Anti-Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321-331 of title 49".

(2) In clause (9), strike "the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C.

App. 2710 et seq.)" and substitute "chapter 313 of title 49".

SECTION 2. TITLE 23, UNITED STATES CODE

In the catchline for section 103(e)(4)(L) of title 23, United States Code, strike "FTA" and substitute "CHAPTER 53 OF TITLE 49".

SECTION 3. TITLE 28, UNITED STATES CODE.

In section 1445(a) of title 28, United States Code, strike "sections 51-60 of Title 45" and substitute "section 1-4 and 5-10 of the Act of April 22, 1908 (45 U.S.C. 51-54, 55-60)".

SECTION 4. TITLE 31, UNITED STATES CODE.

Title 31, United States Code, is amended as follows:

(1) In section 1105(a), redesignate clauses (27) through the end as clauses (26) through the end.

(2) Section 9101 is amended as follows:

(A) Clause (2)(J) is repealed.

(B) Redesignate clauses (2)(K) through the end as clauses (2)(J) through the end.

(C) In clause (3)(B), strike "Fund," and substitute "Fund".

(D) Clause (3)(N), as added by section 902(b) of the Energy Policy Act of 1992 (Public Law 102-486, 106 Stat. 2944), is redesignated as clause (3)(O).

SECTION 5. TITLE 49, UNITED STATES CODE.

Title 49, United States Code, is amended as follows:

(1) In section 106(b), strike "the date of the enactment of this sentence" and substitute "August 23, 1994".

(2) In section 111(b)(4) and (g), strike "the date of the enactment of this section" and substitute "December 18, 1991".

(3) Section 329 is amended as follows:

(A) In subsection (b)(1), strike "(as those terms are used in such Act)" and substitute "(as that term is used in part A of subtitle VII of this title)".

(B) In subsection (d), strike "that Act" and substitute "that part".

(4) In section 521(b)(1)(B), strike "the date of enactment of this subparagraph" and substitute "November 3, 1990".

(5) Section 701(b)(4) is amended as follows:

(A) Strike "the effective date of this section" and substitute "January 1, 1996".

(B) Strike "the date of the enactment of the ICC Termination Act of 1995" and substitute "December 29, 1995".

(6) In section 702, strike "the effective date of such Act" and substitute "January 1, 1996".

(7) In section 726(a), strike "the date of enactment of the ICC Termination Act of 1995" and substitute "December 29, 1995".

(8) In section 5116(j)(4)(A), strike "subsection (g)" and substitute "section 5115 of this title".

(9) In section 5119(b)(2), 5309(g)(1)(B) and (m)(3), 5328(b)(3), 5334(b)(1), 5335(b)-(d), 3113(c)(1)(B) and (C) and (2), 40112(e)(2), 41105(b), 41310(f), 41714(e)(2), 42104(b), 44506(d), 44913(a)(2), 47107(k), 48102(d)(2), and 48109, strike "Public Works and Transportation" and substitute "Transportation and Infrastructure".

(10) Section 5303 is amended as follows:

(A) In subsection (f)(2), strike "subsection (e)" and substitute "subsection (b)".

(B) In subsection (h)(4), strike "section 5338(g)(1)" and substitute "section 5338(g)".

(11) Section 5307 is amended as follows:

(A) In subsection (a)(2)(A), strike "title;" and substitute "title; or".

(B) In subsection (a)(2)(B), strike "transportation; or" and substitute "transportation".

(C) Strike subsection (a)(2)(C).

(12) Section 5309 is amended as follows:

(A) In subsection (a)—

(i) insert "(1)" before "The Secretary";
 (ii) redesignate clauses (1)–(7) as clauses (A)–(G), respectively;
 (iii) redesignate subclauses (A) and (B) as subclauses (1) and (ii), respectively; and
 (iv) insert at the end the following:
 "(2) The Secretary of Transportation shall require that all grants and loans under this subsection be subject to all terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section."

(B) In subsection (e)(4)(B), strike "paragraph (1)(B)" and substitute "paragraph (2)".

(C) In subsection (m)(1)(A), insert "rail" before "fixed guideway modernization".

(13) Section 5315(d) is amended by striking "5304 and 5306" and substituting "5307 and 5309".

(14) Section 5317(b)(5) is amended as follows:
 (A) In subparagraph (C), strike "under this paragraph" and substitute "under subparagraph (B) of this paragraph".
 (B) In subparagraph (D), strike "(except this paragraph)".

(15) Section 5323(b)(1), (c), and (e) is amended by striking "(except section 5307)" wherever it appears.

(16) The catchline for section 5325(d) is amended by striking "MANAGEMENT, ARCHITECTURAL, AND ENGINEERING CONTRACTS," and substituting "ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS."

(17) Section 5327(c) is amended by striking "to carry out a major project under section 5307" and substituting "to carry out a major project under section 5309".

(18) In section 5335(d)(2)(B), strike "With" and substitute "with".

(19) Section 5336(b)(2) is amended as follows:
 (A) In subparagraphs (A) and (B), add at the end the following: "An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph."
 (B) Strike subparagraph (C).
 (C) Redesignate subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(20) Section 5338(g)(2) is amended by striking "section 5308(b)(2)" and substituting "section 5311(b)(2)".

(21) In section 10501(c)(3)(B), strike "the effective date of the ICC Termination Act of 1995" and substitute "January 1, 1996".

(22) In section 10701(d)(3), strike "the effective date of this paragraph" and substitute "January 1, 1996".

(23) In section 10704(d), strike "the effective date of the ICC termination Act of 1995" and substitute "January 1, 1996".

(24) In sections 10706(a)(5)(C) and 10709(e), strike "the effective date of the Staggers Rail Act of 1980" and substitute "October 1, 1980".

(25) In sections 11101(f) and 11301(f), strike "the effective date of the ICC Termination Act of 1995" and substitute "January 1, 1996".

(26)(A) The heading for part B of subtitle IV is amended to read as follows:
"PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS"

(B) The heading for chapter 131 as amended to read as follows:
"CHAPTER 131—GENERAL PROVISIONS"

(27) Section 13102 is amended as follows:

(A) In clause (4)(A), strike—
 (i) "The effective date of this section" and substitute "January 1, 1996"; and
 (ii) "the day before the effective date of this section" and substitute "December 31, 1995".

(B) In clause (4)(B), strike "on or after such date" and substitute "after December 31, 1995".

(28) Section 13703 is amended as follows:
 (A) In subsection (e), strike—
 (i) "the day before the effective date of this section" and substitute "December 31, 1995"; and
 (ii) "such effective date" and substitute "January 1, 1996".
 (B) In subsection (f)(2), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(29) Section 13709 is amended as follows:
 (A) In subsection (a)(1) and (3), strike "the day before the effective date of this section" and substitute "December 31, 1995".
 (B) In subsection (e), strike—
 (i) "the effective date of this section" and substitute "January 1, 1996"; and
 (ii) "the day before such effective date" and substitute "December 31, 1995".

(30) Section 13710 is amended as follows:
 (A) In subsection (a)(4), strike "the effective date of this section" and substitute "January 1, 1996".
 (B) In subsection (b), strike—
 (i) "the day before the effective date of this section" and substitute "December 31, 1995"; and
 (ii) "the effective date of this section" and substitute "January 1, 1996".

(31) Section 13711 is amended as follows:
 (A) In subsection (a), strike—
 (i) "or, before the effective date of this section" and substitute "or, before January 1, 1996";
 (ii) "the day before the effective date of this section" and substitute "December 31, 1995"; and
 (iii) "provided before the effective date of this section" and substitute "provided before January 1, 1996".
 (B) In subsection (d), strike—
 (i) "the effective date of this section" and substitute "January 1, 1996"; and
 (ii) "the day before such effective date" and substitute "December 31, 1995".

(C) In subsection (g), strike "the effective date of this section" and substitute "January 1, 1996".

(32) Section 13902 is amended as follows:
 (A) In subsection (b)(8)(A)—
 (i) insert "and" after "(iv) any Indian tribe";
 (ii) strike "and" after "clause (i), (ii), (iii), or (iv)"; and
 (iii) strike "the effective date of this subsection" and substitute "January 1, 1996".
 (B) In subsection (b)(8)(B), strike "the effective date of this paragraph" and substitute "January 1, 1996".

(C) In subsections (c)(4)(A) and (d)(1)(A) and (2), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(33) In section 13905(a), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(34) In section 13906(d), strike "the effective date of this section" and substitute "January 1, 1996".

(35) Section 13907(e) is amended as follows:
 (A) In clause (1), strike "the day before the effective date of this section" and substitute "December 31, 1995".
 (B) In clause (2), strike "the day before such effective date" and substitute "December 31, 1995".

(36) Section 13908 is amended as follows:
 (A) In subsection (d)(1), strike "the day before the effective date of this section" and substitute "December 31, 1995".
 (B) In subsection (e), strike "the effective date of this section" and substitute "January 1, 1996".

(37) Section 14302 is amended as follows:
 (A) In subsection (c)(4), strike "the effective date of this section" and substitute "January 1, 1996".
 (B) In subsection (g), strike "the effective date of this section" and substitute "January 1, 1996".

(C) In subsection (h)(1), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(D) In subsection (h)(2), strike "the day before such effective date" and substitute "December 31, 1995".

(38) In sections 14706(g)(3) and 14708(g), strike "the effective date of this section" and substitute "January 1, 1996".

(39) In section 14709, strike—
 (A) "the effective date of this section" and substitute "January 1, 1996"; and
 (B) "the day before the effective date of this section" and substitute "December 31, 1995".

(40) The heading for part C of subtitle IV is amended to read as follows:
"PART C—PIPELINE CARRIERS"

(41) In the analysis of chapter 151, strike—
"CHAPTER 151—GENERAL PROVISIONS"

(42) In the analysis of chapter 153, strike—
"CHAPTER 153—JURISDICTION"

(43) The analysis and subchapter headings of chapter 157 are amended as follows:
 (A) The analysis of chapter 157 is amended as follows:
 (i) Strike—
"CHAPTER 157—OPERATIONS OF CARRIERS"
 (ii) Strike—
"SUBCHAPTER A—GENERAL REQUIREMENTS and substitute—
"SUBCHAPTER A—GENERAL REQUIREMENTS"
 (iii) Strike—
"SUBCHAPTER B—OPERATIONS OF CARRIERS" and substitute—
"SUBCHAPTER B—OPERATIONS OF CARRIERS"

(B)(i) The heading for subchapter A is amended to read as follows:
"SUBCHAPTER A—GENERAL REQUIREMENTS"

(ii) The heading for subchapter B is amended to read as follows:
"SUBCHAPTER B—OPERATIONS OF CARRIERS"

(44) Section 15701(e) is amended by striking "the effective date of this section" and substituting "January 1, 1996".

(45) The analysis of chapter 159 is amended as follows:
 (A) Strike—
"CHAPTER 159—ENFORCEMENT; INVESTIGATIONS, RIGHTS, AND REMEDIES"

(B) Strike the item related to section 15907.

(46) In the analysis of chapter 161, strike—
"CHAPTER 161—CIVIL AND CRIMINAL PENALTIES"

(47) Section 20133(b) is amended as follows:
 (A) In paragraph (1), strike "the date of enactment of the Federal Railroad Safety Authorization Act of 1994" and substitute "November 2, 1994".

(B) In paragraph (2), strike "such date of enactment" and substitute "November 2, 1994".

(48) In sections 20134(c)(2), 20145, 22108(b), 24314(b), 24702(c), and 24903(a), strike "Committee on Energy and Commerce" and substitute "Committee on Transportation and Infrastructure".

(49) In sections 20145, 20146, and 20151(a) and (c), strike "the date of enactment of the Federal Railroad Safety Authorization Act of 1994" and substitute "November 2, 1994".

(50) In section 20152(b), strike "the date of enactment of this section" and "that date" and substitute "November 2, 1994" and "November 2, 1994", respectively.

(51) In section 20153(g), strike "the date of enactment of this section" wherever it appears and substitute "November 2, 1994".

(52) Add at the end of section 20301(b) the following:

"(4) a car, locomotive, or train used on a street railway."

(53) In section 21301(a)(1)—

(A) insert "A person may not fail to comply with a regulation prescribed or order issued by the Secretary of Transportation under chapter 201 of this title." before "Subject to"; and

(B) strike "Secretary of Transportation under chapter 201 of this title is liable" and substitute "Secretary under chapter 201 is liable".

(54) In section 21303(a)(1), strike "chapter 211 of this title" and substitute "chapter 211 of this title".

(55) In section 22106(b), insert "in the same manner and under the same conditions as if they were originally granted to the State by the Secretary of Transportation" after "under this chapter".

(56)(A) Insert after chapter 281 the following:

"CHAPTER 283—STANDARD WORK DAY

"Sec.

"28301. General.

"28302. Penalties.(b) is amended as follows:

"§ 28301. General

"(a) EIGHT HOUR DAY.—In contracts for labor and services, 8 hours shall be a day's work and the standards day's work for determining the compensation for services of an employee employed by a common carrier by railroad subject to subtitle IV of this title and actually engaged in any capacity in operating trains used for transporting passengers or property on railroads from—

"(1) a State of the United States or the District of Columbia to any other State or the District of Columbia;

"(2) one place in a territory or possession of the United States to another place in the same territory or possession;

"(3) a place in the United States to an adjacent foreign country; or

"(4) a place in the United States through a foreign country to any other place in the United States.

"(b) APPLICATION.—Subsection (a) of this section—

"(1) does not apply to—

"(A) an independently owned and operated railroad not exceeding one hundred miles in length;

"(B) an electric street railroad; and

"(C) an electric interurban railroad; but

"(2) does apply to an independently owned and operated railroad less than one hundred miles in length—

"(A) whose principal business is leasing or providing terminal or transfer facilities to other railroad; or

"(B) engaged in transfers of freight between railroads or between railroads and industrial plants.

"§ 28302. Penalties

"A person violating section 28301 of this title shall be fined under title 18, imprisoned not more one year, or both."

(B) In the analysis for subtitle V, insert after item 281 the following:

"283. STANDARD WORK DAY 28301".

(57) In section 30144(a)(1)(A), strike "Organization" and substitute "Organizations".

(58) In section 30168(c), strike "Committees on Energy and Commerce and Public Works and Transportation" and substitute "Committees on Commerce and Transportation and Infrastructure".

(59) In section 30308, insert a comma after "1994".

(60) In section 31136(e)(2)(A) and (J)(i) and (i) and (3), strike "the date of the enactment of this paragraph" and substitute "November 28, 1995".

(61) In section 32702(8), insert "any" after "or".

(62) Section 32705 is amended as follows:

(A) Subsection (a) is amended to read as follows:

"(a)(1) DISCLOSURE REQUIREMENTS.—Under regulations prescribed by the Secretary of Transportation that include the way in which information is disclosed and retained under this section, a person transferring ownership of a motor vehicle shall give the transferee the following written disclosure:

"(A) Disclosure of the cumulative mileage registered on the odometer.

"(B) Disclosure that the actual mileage is unknown, if the transferor knows that the odometer reading is different from the number of miles the vehicle has actually traveled.

"(2) A person transferring ownership of a motor vehicle may not violate a regulation prescribed under this section or give a false statement to the transferee in making the disclosure required by such a regulation.

"(3) A person acquiring a motor vehicle for resale may not accept a written disclosure under this section unless it is complete."

(B) In subsection (b)(3)(A), strike "may" and "only if" and substitute "may not" and "unless", respectively.

(63) In sections 32904(b)(6)(C) and 32905(g), strike "Committee on Energy and Commerce" and substitute "Committee on Commerce".

(64) In the analysis of subtitle VII, strike the item related to part D and item 491 and substitute—

"PART D—RESERVED

"PART E—MISCELLANEOUS

"501 BUY-AMERICAN REFERENCES 50101".

(65) In section 40109(c)—

(A) strike "sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742," and substitute "chapter 413 (except sections 41307 and 41310 (b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714)," and

(B) strike "section 46301(b)" and substitute "sections 44909 and 46301(b)".

(66) In section 40116(d)(2)(A)(iv), strike "Levy" and "the date of enactment of this clause" and substitute "levy" and "August 23, 1994", respectively.

(67) Section 40117(e)(2) is amended as follows:

(a) In clause (B), insert "and" after the semicolon.

(B) Strike clause (C).

(C) Redesignate clause (D) as clause (C).

(68) Section 40118 is amended as follows:

(A) In the catchline for subsection (d), strike "TRANSPORTATION BY FOREIGN AIR CARRIERS" and substitute "CERTAIN TRANSPORTATION BY AIR OUTSIDE THE UNITED STATES".

(B) In subsection (f)(1), strike "(f)(1) No" and substitute "(f) PROHIBITION OF CERTIFICATION OR CONTRACT CLAUSE.—(1) No".

(69)(A) Add at the end of chapter 401 the following:

"§ 40121. Interstate agreements for airport facilities

"Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility."

(B) In the analysis for chapter 401, insert after item 40120 the following:

"40121. Interstate agreements for airport facilities."

(70) Add at the end of section 41109(a) the following:

"(5) As prescribed by regulation by the Secretary, an air carrier other than a charter air carrier may provide charter trips or other special services without regard to the places named or type of transportation specified in its certificate."

(71) In section 41309(b)(2)(B), strike "common".

(72) In section 41312(a)(1), insert "of Transportation" after "Secretary".

(73) In section 41715(a), strike "Secretary's" and substitute "Secretary of Transportation's".

(74) In sections 44501(c)(1), 44511(e), 48102(c)(2)(A) and (d)(2), and 70112(d)(1), strike "Science, Space, and Technology" and substitute "Science".

(75) Section 44502 is amended as follows:

(A) In subsection (c)(1), strike "To ensure that" and substitute "To ensure".

(B) Strike subsection (e), and redesignate subsection (f) as subsection (e).

(76) In section 45301(c)(5), strike "the date of the enactment of this subsection" and substitute "August 23, 1994".

(77) Section 46301 is amended as follows:

(A) In subsection (a)(1)(A)—

(i) strike "any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742," and substitute "chapter 413 (except sections 41307 and 41310 (b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714)," and

(ii) strike "or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44909(a), 44912–44915, 44932–44938," and substitute "section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(F), and 44908), or section";

(iii) insert "or" after "46303,"; and

(iv) strike "or 41715".

(B) In subsection (a)(2)(A), strike "or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44912–44915, or 44932–44938" and substitute "section 44502(b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)".

(C) Adjust the margins of clauses (A) and (B) of subsection (a)(3) to be the same as clauses (A) and (B) of subsection (a)(2).

(D) In subsection (c)(1)(A)—

(i) strike "any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742," and substitute "chapter 413 (except sections 41307 and 41310 (b)–(f)), chapter

415 (except sections 41502, 41505, and 41507-41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),";

(i) strike "or" before "subsection II"; and
(iii) insert " , or section 44909" before "of this title".

(E) In subsection (d)(2), strike "or any of sections 44701(a) or (b), 44702-44716, 44901, 44903 (b) or (c), 44905, 44906, 44907(d)(1)(B), 44912-44915, 44932-44938," and substitute "section 44502(b) or (c), chapter 447 (except sections 44717 and 44719-44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A), and (d)(1)(C)-(F), 44908, and 44909), or section".

(F) In subsection (f)(1)(A)(i), strike "or any of sections 44701(a) or (b), 44702-44716, 44901, 44903 (b) or (c), 44905, 44906, 44907(d)(1)(B), 44912-44915, or 44932-44938" and substitute "section 44502 (b) or (c), chapter 447 (except sections 44717 and 44719-44723), or chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A) and (d)(1)(C)-(F), 44908, and 44909)".

(78) In section 46306(c)(2)(B), insert "that is" before "provided".

(79) In section 46316(b), strike "and sections 44701(a) and (b), 44702-44716, 44901, 44903(b) and (c), 44905, 44906, 44912-44915, and 44932-44938" and substitute "chapter 447 (except sections 44717-44723), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909)".

(80) In section 47107(1)(i), strike "the date of the enactment of this subsection" and substitute "August 23, 1994".

(81) Section 47115 is amended as follows:

(A) Subsection (f)(2) as enacted by section 112(d) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305, 108 Stat. 1576) is amended by striking "the date of the enactment of this subsection" and substituting "August 23, 1994".

(B) Subsection (f) as enacted by section 6(67) of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4386), is redesignated subsection (g).

(82) Section 47117 is amended as follows:

(A) In subsection (e)(1)(B), strike "47504(c)(1)" and substitute "47504(c)".

(B) In subsection (g)(1), strike "47105(e)" and substitute "47105(f)".

(83) Section 47118 is amended as follows:

(A) In subsection (a), strike "on or before the date of the enactment of this sentence" and substitute "before August 24, 1994".

(B) In subsection (e), strike "Notwithstanding section 47109(c) of this title, not" and substitute "Not".

(84) In the catchline for section 47128(d), strike "AND REPORT".

(85) Section 47129 is amended as follows:

(A) In subsection (a)(1), strike "of this subtitle" and substitute "of this title".

(B) In subsections (b), (e)(2), and (f)(2), strike "the date of the enactment of this section" and substitute "August 23, 1994".

(C) In subsection (e)(3), strike "such date of enactment" and substitute "August 23, 1994".

(86) In section 47509(d), strike "the date of the enactment of this section" and substitute "August 23, 1994".

(87) In the catchline for section 48104(b), strike "YEARS" and substitute "YEAR".

(88)(A) Part D of subtitle VII is redesignated as part E.

(B) Chapter 491 is redesignated as chapter 501.

(C) Items 49101-49105 in the analysis of chapter 501, as redesignated by subparagraph (B) of this paragraph, are redesignated as items 50101-50105.

(D) Sections 49101-49105 are redesignated as sections 50101-50105.

(89) In sections 50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, strike "sections 47106(d) and" and substitute "section".

(90) In section 60101, strike "(a)" and substitute "(a) GENERAL.—".

(91) In section 60114(a)(9), strike "60120, 60122, and 60123" and substitute "60120 and 60122".

(92) In section 70102(6), strike "facilities" and substitute "facilities at that location".

(93) In section 70112(a)(3)(B), insert "(i) or (ii)" after "(A)".

(94) In section 70113(e)(6)(D), insert "a" before "resolution".

(95) In section 70117(b)(2), strike "Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.)" and substitute "Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)".

SEC. 6. TECHNICAL CHANGES TO OTHER LAWS.

(a) Effective July 5, 1994—

(1) Section 4(f)(1)(S) of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1362), is amended to read as follows:

"(S) In section 6101(4)(B), strike 'agency' the 2d time it appears and substitute 'agency.'."

(2) Section 5(e)(11) of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1374), as amended by section 7(a)(4)(A) of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4389), is amended to read as follows:

"(11) In section 2516(1)(j), strike 'section' the first place it appears and all that follows and substitute 'section 60123(b) (relating to destruction of a natural gas pipeline) or section 46502 (relating to aircraft piracy) of title 49:'."

(b) Effective August 26, 1994, section 105(b)(2) of the Hazardous Materials Transportation Act of 1994 (title I of Public Law 103-311, 108 Stat. 1674) is amended to read as follows:

"(2) by striking 'the State' the first place it appears;"

(c) Effective September 30, 1994, section 335A of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331, 108 Stat. 2495) is amended to read as follows:

"SEC. 335A. Section 5302(a)(1) of title 49, United States Code, is amended by inserting 'payments for the capital portions of rail trackage rights agreements,' after 'rights of way.'."

(d) Effective October 31, 1994—

(1) Section 6 of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4378), is amended to read as follows:

(A) Clause (41) is amended to read as follows:

"(41) Section 32913(b) is amended as follows:

"(A) In the catchline, strike 'PENALTY REDUCTION' and substitute 'CERTIFICATION'."

"(B) In paragraph (1), strike 'the penalty should be reduced' and substitute 'a reduction in the penalty is necessary.'"

(B) Clause (44)(B) is amended to read as follows:

"(B) Add before the period at the end 'of this title.'"

(2) Section 8(1) of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4390), is amended by striking "1st paragraph" and substituting "1st paragraph related to transfer of aircraft".

(e) Effective November 2, 1994, section 10(c)(2)(A) of the Act of November 2, 1994 (Public Law 103-437, 108 Stat. 4589), is repealed and section 107(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450k(b)), as amended by section

105(1) of the Indian Self-Determination Act (Public Law 103-413, 108 Stat. 4269), is revived and shall read as if section 10(c)(2)(A) of the Act of November 2, 1994 (Public Law 103-437, 108 Stat. 4589), had not been enacted.

(f) Effective December 29, 1995, the ICC Termination Act of 1995 (Public Law 104-88, 109 Stat. 809) is amended as follows:

(1) In section 102(b), strike "Commerce" and "Transportation" and substitute "Commerce" and "Transportation", respectively

(2) In section 305(d)(6), strike "part B or (C)" and substitute "part B or C".

(3) In section 308(j) strike "30106(d)" substitute "30166(d)".

(4) Section 327 is amended as follows:

(A) In clause (3)(B), strike "Interstate Commerce Act" and substitute "the Interstate Commerce Act" in subsection (b)(3)".

(B) In clause (5), insert "(A)" after "(5)", and add at the end of the clause the following:

"(B) by inserting after item 712 in the table of contents the following:

"Sec. 713. Class II railroads receiving Federal assistance.'"

(g) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451) is amended by striking "such Secretary" and substituting "the Secretary".

(h) Section 917(a)(4) of the Consumer Credit Protection Act (15 U.S.C. 1693o(a)(4)) is amended by striking "Civil Aeronautics Board" and substituting "Secretary of Transportation".

(i) In section 17(d) of the Noise Control Act of 1972 (Public Law 92-574, 86 Stat. 1249), strike "such terms have under the first section of the Act of February 17, 1911 (45 U.S.C. 22)" and substitute "the term 'railroad carrier' has in section 20102 of title 49, United States Code".

(j) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended as follows:

(1) In section 101(26), strike "the Pipeline Safety Act" and substitute "section 60101(a) of title 49, United States Code".

(2) In section 107(c)(1)(C), strike "the Hazardous Liquid Pipeline Safety Act of 1979" and substitute "section 60101(a) of title 49, United States Code".

(k) Section 241(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12161(2)) is amended by striking "commuter service" and substituting "commuter rail passenger transportation".

SEC. 7 REPEAL OF OTHER LAWS.

The following are repealed:

(1) Section 119 "Sec. 404(f)" of the Amtrak Reorganization Act of 1979 (Public Law 96-73, 93 Stat. 547).

(2) Sections 1 (a)(3) and (b), 2, and 4-6 of the Reorganization Plan No. 2 of 1968 (effective June 30, 1968, 82 Stat. 1369, 1370).

(3) Sections 5005 and 6020 of the Intermodal Surface Transportation Efficiency Act (49 U.S.C. 301(notes)).

(4) Section 317 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (49 U.S.C. 44502(note)).

(5) The Department of Transportation Act (Public Law 89-670, 80 Stat. 931).

(6) Sections 129 and 135 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Public Law 102-581, 106 Stat. 4886, 4888).

(7) Section 27 of the Bus Regulatory Reform Act of 1982 (Public Law 97-261, 96 Stat. 1126).

(8) Section 4007 (a), (c), (d), and (e) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 2151, 2152).

SEC. 8. EFFECTIVE DATE.

(1) The amendments made by sections 3 and 5(10)–(17), (19), (20), (52), (53), (55), (61), (62), (65), (70), (77), (78), and (91)–(93) of this Act shall take effect on July 5, 1994.

(2) The amendment made by section 5(82)(A) of this Act shall take effect on October 31, 1994.

SEC. 9. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) **NO SUBSTANTIVE CHANGE.**—This Act restates, without substantive change, laws enacted before March 1, 1996, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after February 29, 1996, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) **REFERENCES.**—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) **CONTINUING EFFECT.**—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) **ACTIONS AND OFFENSES UNDER PRIOR LAW.**—An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) **INFERENCES.**—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catchline of the provision.

(f) **SEVERABILITY.**—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provisions remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 10. REPEALS.

(a) **INFERENCES OF REPEAL.**—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) **REPEALER SCHEDULE.**—The law specified in the following schedule is repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

SCHEDULE OF LAWS REPEALED

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1916 Sept. 3, 5.	436		39	721, 722	45	65, 66

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2297, which restates without sub-

stantive change, laws related to transportation and makes other technical improvements in the United States Code. The bill was prepared for the House Judiciary Committee by the Office of the Law Revision Counsel under its authority under section 285(b) of title 2, United States Code, to prepare and submit periodically revisions of positive law titles of the Code to keep those titles current.

The Office of the Law Revision Counsel is engaged in an ongoing project of preparing various titles of the United States Code for enactment into positive law. Such codifications are important because they facilitate access to the law on a particular subject by putting it in one place—obviating the necessity of examining disparate statutes. Amending positive law involves fewer technical complexities—and thus presents fewer opportunities for errors—because the United States Code itself is amended rather than having to enact changes in various acts. Finally, positive law facilitates proof in judicial proceedings, because the text of United States Code titles enacted into positive law is legal evidence in Federal and State courts of the laws contained therein.

Congress codified title 49 into positive law in segments—initially completing the task with the July 5, 1994 enactment of Public Law 103–272. Later that year, Congress enacted Public Law 103–429 to make technical improvements and incorporate title 49 transportation related laws enacted after the June 30, 1993 cutoff date for Public Law 103–272 or not otherwise included in title 49.

Today, we again update title 49—this time to incorporate an additional law not already included in the codification and make further technical corrections. Some of these technical changes are necessitated by events after the September 25, 1994 cutoff date for the last transportation related codification—including the enactment of Public Law 103–88, the ICC Termination Act of 1995, on December 29, 1995.

As the result of comments received from various departments and agencies concerned with transportation, and interested private parties, the Office of Law Revision Counsel prepared an amendment in the nature of a substitute to incorporate changes resulting from the comments. After reviewing the legislation as reported by the Committee on the Judiciary, the chairman of the Committee on Commerce, Mr. BILEY, and the chairman of the Committee on Science, Mr. WALKER, advised me of their support. To reflect comments from the Committee on Transportation and Infrastructure, the Office of Law Revision Counsel proposed some additional changes—which are incorporated in the manager's amendment.

The Law Revision Counsel assures me that H.R. 2297, as amended, makes no change in the substance of existing law. Therefore, no additional cost to the Government would be incurred as a result of enactment. Pay-as-you-go procedures would not apply, because enactment would not affect direct spending or receipts.

By updating and improving the codification of title 49, this legislation will provide to be beneficial to Congress, the courts, and the public. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these changes in the bill are technical. There are no substantive changes in the law. It merely codifies and clarifies present law, and I urge the Members to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 2297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING CIRCUIT JUDGE WHO HAS TAKEN PART IN EN BANC HEARING TO CONTINUE TO PARTICIPATE AFTER TAKING SENIOR STATUS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 531) to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes.

The Clerk read as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

The last sentence of section 46(c) of title 28, United States Code, is amended by inserting "(1)" after "eligible" and by inserting the period at the end of the sentence "or (2) to continue to participate in the decision of a case or controversy that was heard or reheard by the court en banc at a time when such judge was in regular active service".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 531. This act amends section 46(c) of title 28, to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status. There is an inadvertent problem in the

law as it exist today. While section 46(c) allows a senior circuit judge who was a member of a panel whose decision is being reviewed en banc to sit on the en banc court, it has been interpreted to require a circuit judge in regular active service who has heard argument in an en banc case to case participating in that case upon taking senior status. This problem leads to uncertainty in deciding who will be eligible to vote on the final disposition of an appeal and may create the perception that a judge is delaying the release of an en banc opinion until a member of the en banc court takes senior status.

This is an unintended result and a basic drafting problem in the statute. The judicial council of the seventh circuit, the most recent court to construe the statute, recommends the change contained in S. 531, and I urge a favorable vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from California has indicated, many cases that come before the circuit court involved a 3-judge pane. Those decisions will frequently include a senior or retired judge as a member of the panel. If the case goes to the full circuit court, the senior judge that took part in that decision can continue considering that case in the full court.

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The circuits have split as to what happened when a judge changes from regular status to senior status during the trial and the circuits are split. This bill just merely says that, if he takes senior status while the case is still pending, he can continue to consider the case. This bill has unanimous support from the Committee on the Judiciary, and I urge support of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 531.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 531, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL FILM PRESERVATION ACT OF 1996

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1734) to reauthorize the National Film Preservation Board, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—REAUTHORIZATION OF THE NATIONAL FILM PRESERVATION BOARD

SEC. 101. SHORT TITLE.

This title may be cited as the "National Film Preservation Act of 1996".

SEC. 102. NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress (hereafter in this Act referred to as the "Librarian") shall continue the National Film Registry established and maintained under the National Film Preservation Act of 1988 (Public Law 100-446), and the National Film Preservation Act of 1992 (Public Law 102-307) pursuant to the provisions of this title, for the purpose of maintaining and preserving films that are culturally, historically, or aesthetically significant.

SEC. 103. DUTIES OF THE LIBRARIAN OF CONGRESS.

(a) POWERS.—

(1) IN GENERAL.—The Librarian shall, after consultation with the Board established pursuant to section 104—

(A) continue the implementation of the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, in conjunction with other film archivists, educators and historians, copyright owners, film industry representatives, and others involved in activities related to film preservation, taking into account the objectives of the national film preservation study and the comprehensive national plan conducted under the National Film Preservation Act of 1992. This program shall—

(i) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(ii) generate public awareness of and support for these activities;

(iii) increase accessibility of films for educational purposes; and

(iv) undertake studies and investigations of film preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices;

(B) establish criteria and procedures under which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication;

(C) establish procedures under which the general public may make recommendations to the Board regarding the inclusion of films in the National Film Registry; and

(D) determine which films satisfy the criteria established under subparagraph (B) and qualify for inclusion in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in the Registry.

(2) PUBLICATION OF FILMS IN REGISTRY.—The Librarian shall publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3) SEAL.—The Librarian shall provide a seal to indicate that a film has been included in the National Film Registry and is the Registry version of that film. The Librarian shall establish guidelines for approval of the use of the seal in accordance with subsection (b).

(b) USE OF SEAL.—The seal provided under subsection (a)(3) may only be used on film copies of the Registry version of a film. Such seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines under subsection (a)(3). In the case of copyrighted works, only the copyright owner or an authorized licensee of the copyright owner may place or authorize the placement of the seal on any film copy of a Registry version of a film selected for inclusion in the National Film Registry, and the Librarian may place the seal on any film copy of the Registry version of any film that is maintained in the National Film Registry Collection in the Library of Congress. Anyone authorized to place the seal on any film copy of any Registry version of a film may accompany such seal with the following language: "This film was selected for inclusion in the National Film Registry by the National Film Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance."

SEC. 104. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—

(1) MEMBERS.—The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of 20 members, who shall be selected by the Librarian in accordance with this section. Subject to subparagraphs (C) and (N), the Librarian shall request each organization listed in subparagraphs (A) through (Q) to submit a list of 3 candidates qualified to serve as a member of the Board. Except for the members-at-large appointed under subparagraph (2), the Librarian shall appoint one member from each such list submitted by such organizations, and shall designate from that list an alternate who may attend at Board expense those meetings to which the individual appointed to the Board cannot attend. The organizations are the following:

(A) The Academy of Motion Picture Arts and Sciences.

(B) The Directors Guild of America.

(C) The Writers Guild of America. The Writers Guild of America East and the Writers Guild of America West shall each nominate three candidates, and a representative from one organization shall be selected as the member and a representative from the other organization as the alternate.

(D) The National Society of Film Critics.

(E) The Society for Cinema Studies.

(F) The American Film Institute.

(G) The Department of Film and Television of the School of Theater, Film and Television at the University of California, Los Angeles.

(H) The Department of Film and Television of the Tisch School of the Arts at New York University.

(I) The University Film and Video Association.

(J) The Motion Picture Association of America.

(K) The Alliance of Motion Picture and Television Producers.

(L) The Screen Actors Guild of America.

(M) The National Association of Theater Owners.

(N) The American Society of Cinematographers and the International Photographers Guild, which shall jointly submit one list of 3 candidates from which a member and alternate will be selected.

(O) The United States Members of the International Federation of Film Archives.

(P) The Association of Moving Image Archivists.

(Q) The Society of Composers and Lyricists.

(2) MEMBERS-AT-LARGE.—In addition to the Members appointed under paragraph (1), the Librarian shall appoint up to 3 members-at-large. The Librarian shall also select an alternate for each member at-large, who may attend at Board expense those meetings which the member at-large cannot attend.

(b) CHAIR.—The Librarian shall appoint one member of the Board to serve as Chair.

(c) TERM OF OFFICE.—

(1) TERMS.—The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) REMOVAL OF MEMBER OR ORGANIZATION.—The Librarian shall have the authority to remove any member of the Board, or the organization listed in subsection (a) such member represents, if the member, or organization, over any consecutive 2-year period, fails to attend at least one regularly scheduled Board meeting.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

(d) QUORUM.—11 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Board.

(f) MEETINGS.—The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(g) CONFLICT OF INTEREST.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

SEC. 105. RESPONSIBILITIES AND POWERS OF BOARD.

(a) IN GENERAL.—The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian, as provided in section 103, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

(b) NOMINATION OF FILMS.—The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers, and other creative artists, producers, and film critics, archives and other film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

(c) POWERS.—

(1) IN GENERAL.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(2) SERVICE ON FOUNDATION.—Two sitting members of the Board shall be appointed by the Librarian, and shall serve, as Board members of the National Film Preservation Foundation, in accordance with section 203.

SEC. 106. NATIONAL FILM REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) ACQUISITION OF ARCHIVAL QUALITY COPIES.—The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials. Copyright owners and others possessing copies of such materials are strongly encouraged, to further the preservation purposes of this Act, to provide preprint and other archival elements to the Library of Congress.

(b) ADDITIONAL MATERIALS.—The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials.

(c) PROPERTY OF UNITED STATES.—All copies of films on the National Film Registry that are received as gifts or bequests by the Librarian and other materials received by the Librarian under subsection (b), shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

(d) NATIONAL FILM REGISTRY COLLECTION.—All copies of films on the National Film Registry that are received by the Librarian under subsection (a), and other materials received by the Librarian under subsection (b), shall be maintained in the Library of Congress and be known as the "National Film Registry Collection of the Library of Congress". The Librarian shall, by regulation, and in accordance with title 17, United States Code, provide for reasonable access to the films and other materials in such collection for scholarly and research purposes.

SEC. 107. SEAL OF THE NATIONAL FILM REGISTRY.

(a) USE OF THE SEAL.—

(1) PROHIBITION ON DISTRIBUTION AND EXHIBITION.—No person shall knowingly distribute or exhibit to the public a version of a film or any copy of a film which bears the seal described in section 103(a)(3) if such film—

(A) is not included in the National Film Registry; or

(B) is included in the National Film Registry, but such film or film copy has not been approved for use of the seal by the Librarian pursuant to section 103(a)(1)(D).

(2) PROHIBITION ON PROMOTION.—No person shall knowingly use the seal described in section 103(a)(3) to promote any version of a film or film copy other than a Registry version.

(b) EFFECTIVE DATE OF THE SEAL.—The use of the seal described in section 103(a)(3) shall be effective for each film after the Librarian publishes in the Federal Register, in accordance with section 103(a)(2), the name of that film as selected for inclusion in the National Film Registry.

SEC. 108. REMEDIES.

(a) JURISDICTION.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 107(a).

(b) RELIEF.—

(1) REMOVAL OF SEAL.—Except as provided in paragraph (2), relief for violation of section 107(a) shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

(2) FINE AND INJUNCTIVE RELIEF.—In the case of a pattern or practice of the willful violation of section 107(a), the United States district courts may order a civil fine of not more than \$10,000 and appropriate injunctive relief.

SEC. 109. LIMITATIONS OF REMEDIES.

The remedies provided in section 108 shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in section 103(a)(3).

SEC. 110. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) EXPERTS AND CONSULTANTS.—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-15 of the General Schedule. In no case may a member of the Board or an alternate be paid as an expert or consultant under this section.

SEC. 111. DEFINITIONS.

As used in this title—

(1) the term "Librarian" means the Librarian of Congress;

(2) the term "Board" means the National Film Preservation Board;

(3) the term "film" means a "motion picture" as defined in section 101 of title 17, United States Code, except that such term does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disk;

(4) the term "publication" means "publication" as defined in section 101 of title 17 United States Code; and

(5) the term "Registry version" means, with respect to a film, the version of a film first published, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright owner can compile in those cases where the original material has been irretrievably lost.

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian such sums as may be necessary to carry out the purposes of this title, but in no fiscal year shall such sum exceed \$250,000.

SEC. 113. EFFECTIVE DATE.

The provisions of this title shall be effective for 7 years beginning on the date of the enactment of this Act. The provisions of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988 and the National Film Preservation Act of 1992, except that any film so selected under either Act shall be deemed to have been selected for the National Film Registry under this title.

SEC. 114. REPEAL.

The National Film Preservation Act of 1992 (2 U.S.C. 179 and following) is repealed.

TITLE II—THE NATIONAL FILM PRESERVATION FOUNDATION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Film Preservation Foundation Act".

SEC. 202. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) **ESTABLISHMENT.**—There is established the National Film Preservation Foundation (hereafter in this title referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) **PURPOSES.**—The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts to promote and ensure the preservation and public accessibility of the nation's film heritage held at the Library of Congress and other public and nonprofit archives throughout the United States;

(2) to further the goals of the Library of Congress and the National Film Preservation Board in connection with their activities under the National Film Preservation Act of 1996; and

(3) to undertake and conduct other activities, alone or in cooperation with other film related institutions and organizations, as will further the preservation and public accessibility of films made in the United States, particularly those not protected by private interests, for the benefit of present and future generations of Americans.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) **ESTABLISHMENT AND MEMBERSHIP.**—The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the "Board"), which shall consist of 9 Directors, each of whom shall be a United States citizen and at least 6 of whom must be knowledgeable or experienced in film production, distribution, preservation, or restoration, including 2 who shall be sitting members of the National Film Preservation Board. These 6 members of the Board shall, to the extent practicable, represent diverse points of views from the film community, including motion picture producers, creative artists, nonprofit and public archivists, historians, film critics, theater owners, and laboratory and university personnel. The Librarian of Congress (hereafter in this title referred to as the "Librarian") shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) **APPOINTMENT AND TERMS.**—Within 90 days after the date of the enactment of this Act, the Librarian shall appoint the Directors of the Board. Each Director shall be appointed for a term of 4 years. A vacancy on the Board shall be filled, within 60 days after the vacancy occurs, in the manner in which the original appointment was made. No individual may serve more than 2 consecutive terms as a Director.

(c) **CHAIR.**—The initial Chair shall be appointed by the Librarian from the membership of the Board for a 2-year term, and thereafter shall be appointed and removed in accordance with the Foundation's bylaws.

(d) **QUORUM.**—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) **MEETINGS.**—The Board shall meet at the call of the Librarian or the Chair at least

once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Librarian, and that vacancy shall be filled in accordance with subsection (b).

(f) **REIMBURSEMENT OF EXPENSES.**—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) **GENERAL POWERS.**—

(1) **ORGANIZATION OF FOUNDATION.**—The Board may complete the organization of the Foundation by—

(A) appointing, removing, and replacing officers, except as provided for in paragraph (2)(B);

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this title; and

(C) undertaking such other acts as may be necessary to carry out the provisions of this title.

(2) **LIMITATION ON APPOINTMENT OF EMPLOYEES.**—The following limitations apply with respect to the appointment of employees of the Foundation:

(A) Except as provided in subparagraph (B), employees of the Foundation shall be appointed, removed, and replaced by the Secretary of the Board. All employees (including the Secretary of the Board) shall be appointed and removed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-15 of the General Schedule. Neither the Board, nor any of the employees of the Foundation, including the Secretary of the Board, shall be construed to be employees of the Library of Congress.

(B) The first employee appointed shall be the Secretary of the Board. The Secretary shall be appointed, and may be removed by, the Librarian.

(C) The Secretary of the Board shall—

(i) serve as its executive director, and

(ii) be knowledgeable and experienced in matters relating to film preservation and restoration activities, financial management, and fund-raising.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION

(a) **GENERAL.**—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business in the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States;

(3) shall have its principal offices in the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) **SEAL.**—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) **POWERS.**—To carry out its purposes under section 202, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest therein is for the benefit of the Foundation.

SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.

The Librarian may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under section 203, not to exceed the current per diem rates for the Federal Government, and the Foundation shall reimburse the Librarian therefor. Amounts so reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 206. VOLUNTEER STATUS.

The Librarian may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and other officers and employees of the Board, without compensation from the Library of Congress, as volunteers in the performance of the functions authorized in this title.

SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL, FOR EQUITABLE RELIEF.

(a) **AUDITS.**—The Foundation shall be treated as a private corporation established under Federal law for purposes of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (38 U.S.C. 1101-1103).

(b) **REPORT.**—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) **RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.**—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 202(b), or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so, the Attorney General of the United States may file a petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 208. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation, nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—There are authorized to be appropriated to the Library of Congress such sums as may be necessary to carry out the purposes of this title, not to exceed \$250,000 for each of the fiscal years 2000 through 2003, to be made available to the Foundation to match private contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local governments.

(b) **ADMINISTRATIVE EXPENSES.**—No Federal funds authorized under this section may be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel, and transportation expenses, and other overhead expenses.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1734, the National Film Preservation Act of 1996, as amended.

This bill authorizes an existing program first established in 1988, that developed a national strategy to deal with the problem of preserving film for educational and historical purposes. The purpose of H.R. 1734 is to reauthorize a program that is saving films which, but for preservation efforts, will be lost forever. Film is currently celebrating its bittersweet 100th anniversary. The seminal study on the film preservation problem which we authorized in the 1992 act documented that for films produced before 1950, over 50 percent no longer survive; and, of films made before 1920, fewer than 10 percent still exist. More recent films face no less danger—from color fading, vinegar syndrome, and a host of other colorfully named but equally destructive maladies. The 1992 authorization ended last month. Without the reauthorization provided by H.R. 1734 and the support and intervention of the Federal Government, many of the remaining materials will be irretrievably lost.

In 1988, Congress created the National Film Preservation Board within the Library of Congress which recognized the importance and fragile nature of our film heritage. In the 1992 reauthorization, the program was redefined with a mission to identify the technical and policy problems related to preserving film in this country, and to coordinate the development of a public and private sector plan to address the problems so identified.

The 1992 legislation created a methodical two-step program, coordinated

by the Librarian of Congress and the Film Board. The first step was the completion in 1993 of a comprehensive study conducted under the auspices of the Library of Congress to take a snapshot of the film preservation problem in the United States. Public hearings and public witnesses from Government and private entities including film studios, independent film producers, creative artists, educators and other users of film materials described the technical and policy problems that must be addressed to save film from disintegration and to make them more readily available to the public. Following the study was the development in 1994 of a second document known as "the national plan" to fix the problem via a public/private partnership with very realistic and specific implementation steps.

Both public documents were very well received and in fact, other countries are modeling their film preservation efforts on our methodology. Implementation of the plan is now underway. H.R. 1734 will authorize the continued implementation of the national plan by the Librarian of Congress, since that authorization expired in June.

The materials that are the focus of H.R. 1734 are not the Hollywood films but films which are vital for educational, rather than commercial reasons, and which will not survive without public intervention. Examples of such films include documentaries and newsreels, independent films, animation and short subjects, silent films, films by and/or documenting minority or ethnic groups, films of historical, educational or regional importance, and films that are no longer under copyright protection. These films are held and maintained by public and non-profit archives, State and local historical societies, university and public libraries and similar institutions in all 50 States.

Our bill, crafted with bipartisan support, will help save our film heritage, with a very minimal amount of Federal spending, that is, \$250,000 per year, which is the current authorized rate, increasing moderately after fiscal year 1999. Title I will continue the work of the coordinating body within the Library of Congress, the National Film Preservation Board, to enable the continued implementation of the national plan developed by the 1992 act. H.R. 1734 picks up the work already completed by the Library of Congress and the National Film Preservation Board and takes it to the next logical step by partnering the private sector with the public sector, creating a 501(c) organization known as the National Film Preservation Foundation. The Foundation (title II) is modeled on similar entities created by Congress and will give grants to archives and libraries that are preserving films.

The libraries and archives with film collections must spend \$10,000 to

\$100,000 or more per film to preserve, restore, catalog and/or store the materials properly. The Foundation needs to raise a considerable sum of private money from within and outside the film community. Examples of the diversity of institutions with such films holdings that will be eligible for Foundation grants include: the George Eastman House, the Library of Congress, the Museum of Modern Art, UCLA Film and Television Archive, the National Center for Jewish Film, Anthology Film Archives, Pacific Film Archives, Northeast Historic Film, the Oregon Historical Society, the Japanese American National Museum, the Black Film Center at Indiana University, and many similar institutions large and small, including for example, those supporting and promoting film preservation, such as the American Film Institute. All of these entities are in full support of H.R. 1734.

H.R. 1734 fulfills the Government's role in film preservation of facilitator or coordinator of the work already being done in hundreds of archives, libraries, laboratories, and film studios nationwide and to add some public funds where needed. Via the Foundation the Government will provide the seed money to raise private funds to save the so-called orphan films. It will enable information about technology to be more readily shared, and to coordinate lab efforts and solve storage problems. The Government will not spend its money on Hollywood feature films but will encourage the studios to continue to share information and coordinate efforts with the archives and independent filmmakers and others.

I wish to thank the ranking member of the Subcommittee on Courts and Intellectual Property, Mrs. SCHROEDER, for her work on H.R. 1734. I also wish to thank my colleagues who cosponsored this legislation, Mr. COBLE, Mr. BONO, and Mr. CONYERS, and my colleague on the Committee on House Oversight, Mr. THOMAS, for working with Judiciary to craft a responsible bill in these lean financial times that will allow this important work to continue. I would also like to commend the Librarian and his staff, especially Steve Leggett, and the Film Board for the work they have done to date.

Mr. Speaker, I urge the passage of H.R. 1734.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1734. This bill takes two critical steps toward preserving America's very rich but threatened heritage of culturally, historically, and aesthetically significant films.

The first is the reauthorization of the National Film Preservation Board. Congress established this board in 1988 tasking it with the annual selection of

25, "culturally, historically or aesthetically significant," films to the National Film Registry and the development of labeling guidelines for films that have been "materially altered."

In 1992, when Congress reauthorized the board, our focus was on film preservation. The labeling guideline provision was dropped in the 1992 reauthorization because it had proved to be too contentious and problematic with little likelihood of consensus among the interested stakeholders.

Two significant accomplishments result from this 1992 reauthorization act. First, the 1-year study completed in 1993 persuasively demonstrated that the American film heritage was at risk. It found that fewer than 20 percent of the feature films from the 1920's survive in complete form. For features from the 1910's, the survival rate falls to about 10 percent. Only about half of the films made before 1950 survive. The study found that many lost American films can only be found in foreign archives. This study accomplished the important step of assessing the nature and scope of the threat to our film heritage.

The second major achievement was the development of a national consensus plan for film preservation, representing 6 months of negotiations and consensus building among archivists, educators, film makers, and film industry executives.

Today, by reauthorizing the Film Preservation Board for 7 years, we can ensure that these efforts to preserve our historical and cultural film heritage will continue. By creating a new federally chartered nonprofit foundation, the National Film Preservation Foundation, this bill creates an important new mechanism to further these efforts.

These two provisions will increase film availability for educational and public exhibition. They will spur the development of public-private partnerships to restore key films, share preservation information and repatriate lost American films that are now found only in foreign archives. The foundation will be able to raise money for the preservation of newsreels, documentaries, independent and avant garde films, socially significant amateur footage, regional historical films and other features of cultural and historical importance that otherwise could not survive.

All of this is done with an extremely modest authorization level. The film board is kept at \$250,000, and the foundation authorized for no funds until the fiscal year 2000 when an annual ceiling of \$250,000 takes effect. While Hollywood films have the commercial value which will ensure their preservation, the same cannot be said for much of our film heritage, which nonetheless has enormous cultural and historical significance.

It is for these latter works, the public domain or educational films, historical footage, documentaries, and other films that this bill is so vitally important.

Let me mention one example of a film now available to the American public because of the efforts of the Film Preservation Board. A film entitled "Within Our Gates," the oldest film directed by an African-American, was selected and preserved by the film board. It was a film that very few people had seen because so few copies were available.

A copy of this important but essential lost work, a 1920 film directed by Oscar Micheau, was found in the Spanish film archives as a result of the preservation board efforts. The Library of Congress has been able to release this film on video and make it widely available to the public. But for the existence of the film board, this important bit of African-American cultural heritage would be languishing, unseen in the Spanish film archives.

H.R. 1734 uses creative and collaborative approaches to ensure that America's rich film heritage is preserved for future generations. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1734, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1734, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1996

Mr. HOKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3435), to make technical amendments to the Lobbying Disclosure Act of 1995, as amended.

The Clerk read as follows:

H.R. 3435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Lobbying Disclosure Technical Amendments Act of 1996".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1995.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking "7511(b)(2)" and inserting "7511(b)(2)(B)".

SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) CERTAIN COMMUNICATIONS.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following: ", including any communication compelled by a Federal contract, grant, loan, permit, or license".

(b) DEFINITION OF "PUBLIC OFFICIAL".—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting ", or a group of governments acting together as an international organization" before the period.

SEC. 4. INTERESTS.

(a) SECTION 4.—Section 4(b)(4)(C) (2 U.S.C. 1603(b)(4)(C)) is amended by striking "direct interest" and inserting "significant direct interest".

(b) SECTION 5.—Section 5(b)(2)(D) (2 U.S.C. 1604(b)(2)(D)) is amended by striking "of the interest, if any," and inserting "of any significant direct interest".

(c) SECTION 14.—Section 14 (2 U.S.C. 1609) is amended—

(1) in subsection (a)(2), by striking "a direct interest" and inserting "a significant direct interest"; and

(2) in subsection (b)(2), by striking "a direct interest" and inserting "a significant direct interest".

SEC. 5. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) SECTION 15(a).—Section 15(a) (2 U.S.C. 1601(a)) is amended—

(1) by striking "A registrant" and inserting "A person, other than a lobbying firm,"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986."

(b) SECTION 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking "A registrant that is subject to" and inserting "A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986."

(c) SECTION 5(C).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).
SEC. 6. DISCLOSURE OF INDIVIDUAL REGISTERED LOBBYISTS.

Section 5(b) (2 U.S.C. 1604(b))—
 (1) in paragraph (2), by inserting "and" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C), and
 (2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by adding after paragraph (1) the following:

"(2) a list of employees of the registrant who acted as lobbyists on behalf of the client during the semi-annual reporting period;"

SEC. 7. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking "is required to register and does register" and inserting "has engaged in lobbying activities and has registered".

SEC. 8. FURNISHING INFORMATION.

(a) INFORMATION TO AGENCY OR OFFICIAL OF GOVERNMENT.—Section 4(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 614(e)) is amended—

(1) by striking "political propaganda" and inserting "informational materials"; and
 (2) by striking "the propaganda" and inserting "the informational materials".

(b) REPORTS.—Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621) is amended by striking "political propaganda" and inserting "informational materials".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. HOKE] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HOKE].

GENERAL LEAVE

Mr. HOKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 3435, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3435, the Lobbying Disclosure Technical Amendments Act of 1996 addresses several technical issues which have been raised during the initial months of implementation of the Lobbying Disclosure Act of 1995. The amendments made by the bill will strengthen what is already widely viewed as a significant and successful law.

The Lobbying Disclosure Act of 1995 was the first substantive reform in the laws governing lobbying disclosure since the Federal Regulation of Lobbying Act of 1946. This reform was necessary due to the Supreme Court's narrow construction of the 1946 Regulation of Lobbying Act in United States versus Harris which effectively eviscerated that act. Last fall, this House passed this landmark legislation in

identical form to the Senate-passed language. This action enabled the 104th Congress to send the bill directly to the President, thus passing the first meaningful lobbying disclosure legislation in over 40 years.

Section 2 of the bill would clarify the definition of a covered executive branch official under the act. Section 3 of the bill would add a clarification of the exception to a lobbying contact so that any communication compelled by a Federal contract, grant, loan, permit or license would not be considered a lobbying contact. Section 3 also would make plain that groups of governments acting together as international organizations would not be required to register under the Lobbying Disclosure Act. Section 4 of the bill would clarify what a "direct interest" is when a registrant has an affiliation with a foreign interest.

In addition, section 5 of the bill would clarify how estimates based on the tax reporting system can and should be used in relation to reporting lobbying expenses. This section also would provide that registrants engaging in executive branch lobbying and who make a section 15 election must use the Tax Code uniformly for all of their executive branch lobbying registration and reporting under the act.

Section 6 of the bill would make the reporting requirement of the act consistent with the registration requirement by eliminating the duplicative reporting requirement of maintaining a list of lobbyists for each general issue area under the act. This section would make uniform the registration requirement that the name of each employee of the registrant who acts as a lobbyist on behalf of a client be disclosed in a similar fashion in the registration's semiannual reports.

Moreover, section 7 of H.R. 3435 would clarify the original intent of the act by providing that anyone engaged in even a de minimis level of lobbying activities on behalf of a foreign commercial entity can register under the Lobbying Disclosure Act rather than the Foreign Agents Registration Act of 1938. This change would reaffirm the Congressional intent of requiring disclosure of foreign non-government representations under the Lobbying Disclosure Act and disclosure of foreign governmental representations under the Foreign Agents Registration Act.

Finally Mr. Speaker, section 8 of the bill would make a purely technical change to the Foreign Agents Registration Act by striking the term "political propaganda" and inserting in its place "informational materials." The changes made by section 8 would complete the changes made to the terminology that were first made in the Lobbying Disclosure Act.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3435. Last session, with strong bipartisan support, this Congress passed a major overhaul of the lobbying disclosure rules which require the reporting of meaningful and important information from registered lobbyists.

Since the passage of that measure, the Secretary of the Senate and the Clerk of the House have worked hard to provide the specific rules to implement this legislation. During the course of the promulgation of the rules, suggestions have been made to improve and in some cases strengthen the reporting requirements of the Lobbying Disclosure Act of 1995.

Further suggestions have been made to simplify what in this case may have been duplicative and burdensome requirements on some not-for-profit institutions.

Mr. Speaker, the technical amendments in today's bill reflect those improvements.

□ 1430

We have corrected unnecessary requirements, we have provided fairness for those whose lobbying efforts are negligible, and we have streamlined the duplicative reporting requirements.

The measure was passed out of the Committee on the Judiciary unanimously, and I urge its passage today under the suspension of the rules.

Mr. Speaker, I yield back the balance of my time.

Mr. HOKE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Ohio [Mr. HOKE] that the House suspend the rules and pass the bill, H.R. 3435, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO JENNINGS RANDOLPH LAKE PROJECT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 113) granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake project lying in Garrett County, MD, and Mineral County, WV, entered into between the States of West Virginia and Maryland.

The Clerk read as follows:

H.J. RES. 113

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

"COMPACT"

"Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

"Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

"1. The Congress, under Public Law 87-874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

"2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain, and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of fish and wildlife of the State(s) in which such area is situated; and

"3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

"4. The National Environmental Policy Act of 1969 (P.L. 91-190) encourages productive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

"5. The Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

"6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

"7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in

Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

"8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

"9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

"Now, therefore, be it Resolved, That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

"Article I—Name, Findings, and Purpose"

"1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

"1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

"1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protection and management of these resources, under appropriate arrangements for inter-governmental co-operation, are public purposes of the respective signatory parties.

"2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in the common interest of the people of the region.

"Article II—District Responsibilities"

"The District, within the Jennings Randolph Lake Project,

"2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

"2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

"2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the

issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

"2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

"2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System,

"2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

"2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

"2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of water quality data both within the impoundment and in the Potomac River downstream from the dam.

"Article III—State Responsibilities"

"The State of Maryland and the State of West Virginia agree:

"3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

"3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

"3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

"3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

"3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any drawdown except those resulting from normal regulation procedures occurs;

"3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

"3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

"3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

"Article IV—Mutual Cooperation

"4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

"4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

"4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

"4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

"4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

"Article V—General Provisions

"5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of the United States, and the delegated authority in each instance.

"5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

"5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

"5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

"5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

"5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

"5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

"5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification."

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, which passed the Committee on the Judiciary by a vote of 25 to 0.

This is a compact, Mr. Speaker, and we have learned rather continuously during our service in Congress that many times when one State wants to enter into an agreement with another or with more than one other, that that immediately engages the Constitution of the United States because any agreement that is reached between two or more States has to be, in effect, ratified by the Congress of the United States.

This particular compact which we discuss here today is one entered into between West Virginia and Maryland, and it has to do with the lake project, the Jennings Randolph Lake project, which lies in Garrett County, MD, and Mineral County, WV.

Mr. Speaker, the lake that is extant in this region between the two States at one time contained, and still does, the unseen invisible border line between the two States. So one can see that if any one of the States want to do anything with the lake or the other, then a question arises which side of the border in the middle of the lake, where does West Virginia begin and Maryland end, et cetera?

Well, they worked out a wonderful agreement in order to correct mine drainage problems and improve waste treatment and municipal and industrial point sources, and the border line in the middle of the lake has become moot because of a contract, and now we here in the Congress are ready to concur in their agreement.

So all these civil and criminal laws of the respective States concerning natural resources and boating, consideration of other factors, all of that will be wrapped up in the agreement which we ratify here today.

I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 113, introduced by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Maryland [Mr. BARTLETT] would grant the consent of Congress to a compact between the States of Maryland and West Virginia providing for joint natural resource management and law enforcement at Jennings Randolph Lake. The lake was created out of a branch of the Potomac River on the border of the two States by a U.S. Army Corps of Engineers project, and, according to testimony received by the Committee on the Judiciary, the lack of a clear boundary has hampered policing and resource management efforts, and the need for this type of cooperation between the States is particularly acute during the peak summer months.

The other body, Mr. Speaker, approved a companion measure by unanimous consent.

I know of no opposition to this measure and urge its adoption by the House.

Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 113.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution

(S.J. Res. 20) granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the Senate joint resolution is as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

"COMPACT"

"Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

"Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

"1. The Congress, under Public Law 87-874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

"2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of fish and wildlife of the State(s) in which such area is situated; and

"3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

"4. The National Environmental Policy Act of 1969 (P.L. 91-190) encourages produc-

tive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

"5. The Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

"6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

"7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

"8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

"9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

"Now, therefore, be it Resolved, That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

"Article I—Name, Findings, and Purpose"

"1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

"1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

"1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protection and management of these resources, under appropriate arrangements for inter-governmental cooperation, are public purposes of the respective signatory parties.

"2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in

the common interest of the people of the region.

"Article II—District Responsibilities"

"The District, within the Jennings Randolph Lake Project,

"2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

"2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

"2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

"2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

"2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System,

"2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

"2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

"2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of

water quality data both within the impoundment and in the Potomac River downstream from the dam.

"Article III—State Responsibilities

"The State of Maryland and the State of West Virginia agree:

"3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

"3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

"3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

"3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

"3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any drawdown except those resulting from normal regulation procedures occurs;

"3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

"3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

"3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

"Article IV—Mutual Cooperation

"4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

"4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

"4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

"4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

"4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

"Article V—General Provisions

"5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of

the United States, and the delegated authority in each instance.

"5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

"5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

"5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

"5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

"5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

"5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

"5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification."

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 113) was laid on the table.

GRANTING CONSENT OF CONGRESS TO MUTUAL AID AGREEMENT BETWEEN BRISTOL, VA, AND BRISTOL, TN

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 166) granting the consent of Congress to the mutual aid agreement between the city of Bristol, VA, and the city of Bristol, TN.

The Clerk read as follows:

H.J. RES. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Mutual Aid Agreement entered into between the city of Bristol, Virginia, and the city of Bristol, Tennessee. The agreement reads as follows:

"THIS MUTUAL AID AGREEMENT, made and entered into by and between the CITY OF BRISTOL VIRGINIA, a municipality incorporated under the laws of the Commonwealth of Virginia (hereinafter 'Bristol Virginia'); and the CITY OF BRISTOL TENNESSEE, a municipality incorporated under the laws of the State of Tennessee (hereinafter 'Bristol Tennessee').

"WITNESSETH:

"WHEREAS, Section 15.1-131 of the Code of Virginia and Sections 6-54-307 and 12-9-101 et seq. of the Tennessee Code Annotated authorize Bristol Virginia and Bristol Tennessee to enter into an agreement providing for mutual law enforcement assistance;

"WHEREAS, the two cities desire to avail themselves of the authority conferred by these respective laws;

"WHEREAS, it is the intention of the two cities to enter into mutual assistance commitments with a pre-determined plan by which each city might render aid to the other in case of need, or in case of an emergency which demands law enforcement services to a degree beyond the existing capabilities of either city; and,

"WHEREAS, it is in the public interest of each city to enter into an agreement for mutual assistance in law enforcement to assure adequate protection for each city.

"NOW, THEREFORE, for and in consideration of the mutual promises and the benefits to be derived therefrom, the City of Bristol Virginia and the City of Bristol Tennessee agree as follows:

"1. Each city will respond to calls for law enforcement assistance by the other city only upon request for such assistance made by the senior law enforcement officer on duty for the requesting city, or his designee, in accordance with the terms of this Agreement. All requests for law enforcement assistance shall be directed to the senior law enforcement officer on duty for the city from which aid is requested.

"2. Upon request for law enforcement assistance as provided in Paragraph 1, the senior law enforcement officer on duty in the responding city will authorize a response as follows:

"a. The responding city will attempt to provide at least the following personnel and equipment in response to the request:

"(1) A minimum response of one vehicle and one person.

"(2) A maximum response of fifty percent (50%) of available personnel and resources.

"b. The response will be determined by the severity of the circumstances in the requesting city which prompted such request as determined by the senior law enforcement officer on duty in the responding city after discussion with the senior law enforcement officer on duty in the requesting city. Any decision reached by such senior officer of the responding city as to such response shall be final.

"c. If an emergency exists in the responding city at the time the request is made, or if such an emergency occurs during the course of responding to a request under this Agreement, and if the senior law enforcement officer on duty in the responding city reasonably determines, after a consideration of the severity of the emergency in his jurisdiction, that the responding city cannot comply with the minimal requirements under this Agreement without endangering life or incurring significant property damage in his city, or both, he may choose to use all equipment and personnel in his own jurisdiction. In such event, such officer of the responding city shall immediately attempt to inform the senior law enforcement officer on duty in the requesting city of his decision.

"3. The city which requests mutual aid under this Agreement shall not be deemed liable or responsible for the equipment and other personal property of personnel of the responding city which might be lost, stolen or damaged during the course of responding under the terms of this Agreement.

"4. The city responding to a request for mutual aid under this Agreement assumes all liabilities and responsibility as between the two cities for damage to its own equipment and other personal property. The responding city also assumes all liability and responsibility, as between the two cities, for any damage caused by its own equipment and/or the negligence of its personnel occurring outside the jurisdiction of the requesting city while en route thereto pursuant to a request for assistance under this Agreement, or while returning therefrom.

"5. The city responding under this Agreement assumes no responsibility or liability for damage to property or injury to any person that may occur due to actions taken in responding under this Agreement; all such liability and responsibility shall rest solely with the city requesting such aid and within which boundaries the property exists or the incident occurs, and the requesting party hereby assumes all of such liability and responsibility.

"6. Each city hereby waives any and all claims against the other city which may arise out of their activities in the other city's jurisdiction under this Agreement. To the extent permitted by law, the city requesting assistance under this Agreement shall indemnify and hold harmless the responding city (and its officers, agents and employees) from any and all claims by third parties for property damage or personal injury which may arise out of the activities of the responding city within the jurisdiction of the requesting city under this Agreement.

"7. The city responding to a request for assistance under this Agreement assumes no responsibility or liability for damage to property or injury to any person that may occur within the jurisdiction of the requesting city due to actions taken in responding under this Agreement. In accordance with Section 15.1-131 of the Code of Virginia and Section 29-20-107(f) of the Tennessee Code Annotated, all personnel of the responding city shall, during such time as they providing assistance in the requesting city under

this Agreement, be deemed to be employees of the requesting city for tort liability purposes.

"8. No compensation will be due or paid by either city for mutual aid law enforcement assistance rendered under this Agreement.

"9. Except as provided in Paragraph 7 of this Agreement, neither city will make any claim for compensation against the other city for any loss, damage or personal injury which may occur as a result of law enforcement assistance rendered under this Agreement, and all such rights or claims are hereby expressly waived.

"10. When law enforcement assistance is rendered under this Agreement, the senior law enforcement officer on duty in the requesting city shall in all instances be in command as to strategy, tactics and overall direction of the operations. All orders or directions regarding the operations of the responding party shall be relayed to the senior law enforcement officer in command of the responding city.

"11. Either city may terminate this Agreement upon sixty (60) days' written notice to the other city.

"12. This Agreement shall take effect upon its execution by the Mayor and Chief of Police for each city after approval of the City Council of each city, and upon its approval by the Congress of the United States as provided in Section 15.1-131 of the Code of Virginia. Each city will promptly submit this Agreement to its respective Congressman and Senators for submission to the Congress."

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved by the Congress. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the agreement.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this agreement shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this agreement, or legislation enabling the agreement, is held invalid, the remainder of the agreement or its application to other situations or persons shall not be affected.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of course I rise in support of House Joint Resolution 166 and urge its adoption by the House. Just as the previous resolution, the Committee on the Judiciary has reported the bill to the House by a unanimous verdict of

25 to nothing. This one has to do with the contract between the cities of Bristol, VA, and Bristol, TN. As my colleagues can imagine, they abut, and the only thing that stands between them is the borderline.

When Tennessee and Virginia saw the need to enter into agreements to provide for mutual law enforcement assistance, they turned to their own bodies, their own legislative bodies, to approve this joint venture, and they did so, and so it comes to us now, as the Constitution, as I have said previously, demands, that the Congress approve the contract and compact between these two States.

The Bristols sit astride the Tennessee-Virginia border, with a total population of approximately 43,000. This mutual aid agreement is one that you might expect would be of considerable benefit for a community in which a State boundary runs along its main street.

The subcommittee was pleased to receive testimony and support of this legislation from our colleagues, the gentleman from Virginia [Mr. BOUCHER], sponsor of the resolution, and the gentleman from Tennessee [Mr. QUILLLEN], each of whom presented a portion of the greater Bristol community agreement and who represent their respective portions of Bristol, on both sides of the border.

Mr. Speaker, I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 166.

Mr. Speaker, House Joint Resolution 166 was introduced by the gentleman from Virginia [Mr. BOUCHER] and the gentleman from Tennessee [Mr. QUILLLEN]. It would grant the consent of Congress to a mutual aid agreement between the cities of Bristol, VA, and Bristol, TN, to allow law enforcement officers to respond to calls made by the other city. The State line cuts across Bristol's main thoroughfare, but police officers from Bristol, VA, do not have the legal authority to make arrests or perform other law enforcement activities on the other side of the street in Bristol, TN, and vice versa. This bill allows the cities to remedy that situation, and I commend Mr. BOUCHER and Mr. QUILLLEN for their fine work on behalf of their constituents.

The bill was reported, as the gentleman from Pennsylvania [Mr. GEKAS] has indicated, from the Committee on the Joint without opposition, and I urge the support of the bill at this time.

Mr. QUILLLEN. Mr. Speaker, I want to commend the Judiciary Committee for expeditiously moving this bill through the legislative process and bringing it to the floor today. I'd also like to thank my good friend from Virginia,

[Mr. BOUCHER] for his leadership and hard work on this bill, and I'm proud to be an original cosponsor of the resolution.

Because our districts border each other, we frequently work together on matters that affect our border cities and constituents. House Joint Resolution 166 grants congressional approval to the mutual aid agreement between the city of Bristol, VA and the city of Bristol, TN.

The Virginia/Tennessee State line cuts right across State Street in Bristol, which is the city's main thoroughfare. Needless to say, there's a great deal of activity along this street, and unfortunately, some of it is criminal activity. There is often jurisdictional confusion and restrictions on law enforcement personnel caused by the location of the State line.

This legislation will allow each city to respond to requests for law enforcement assistance made by the other city. The citizens of Bristol deserve the best police protection available, and this mutual aid agreement will accomplish that goal.

Mr. Speaker, this agreement is authorized under Tennessee and Virginia law, and I hope we can get this resolution approved by both Houses without delay.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 166.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONFERRING JURISDICTION WITH RESPECT TO LAND CLAIMS OF ISLETA PUEBLO

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 740) to confer jurisdiction on the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe.

The Clerk read as follows:

H.R. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JURISDICTION.

Notwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052), or any other law which would interpose or support a defense of untimeliness, jurisdiction is hereby conferred upon the United States Court of Federal Claims to hear, determine, and render judgment on any claim by Pueblo of Isleta Indian Tribe of New Mexico against the United States with respect to any lands or interests therein the State of New Mexico or any adjoining State held by aboriginal title or otherwise which were acquired from the tribe without payment of adequate compensation by the United States. As a matter

of adequate compensation, the United States Claims Court may award interest at a rate of five percent per year to accrue from the date on which such lands or interests therein were acquired from the tribe by the United States. Such jurisdiction is conferred only with respect to claims accruing on or before August 13, 1946, and all such claims must be filed within three years after the date of enactment of this Act. Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedy.

SEC. 2. CERTAIN DEFENSES NOT APPLICABLE.

Any award made to any Indian tribe other than the Pueblo of Isleta Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act under any judgment of the Indian Claims Commission or any other authority with respect to any lands that are the subject of a claim submitted by the tribe under section 1 shall not be considered a defense, estoppel, or set-off to such claim, and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claim.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 740, introduced by the gentleman from New Mexico [Mr. SCHIFF] and the gentleman from New Mexico [Mr. SKEEN] would permit the Pueblo of Isleta Indian Tribe to file a claim in the U.S. Court of Federal Claims for certain aboriginal lands acquired from the tribe by the United States. The tribe was erroneously advised by the Bureau of Indian Affairs in regard to this claim, and as a result never filed a claim for aboriginal lands before the expiration of the statute of limitations.

The court's jurisdiction would apply only to claims accruing on or before August 13, 1946, as provided in the Indian Claims Commission Act.

The Pueblo of Isleta Tribe seeks the opportunity to present the merits of its aboriginal land claims, which otherwise would be barred as untimely. The tribe cites numerous precedents for conferring jurisdiction under similar circumstances, such as the case of the Zuni Indian Tribe in 1978.

An identical bill passed the Senate in the 103d Congress, but was not considered by the House. In the 102d Congress, H.R. 1206, amended to the current language, passed the House, but

was not considered by the Senate before adjournment. On June 11, 1996, the Judiciary Committee favorably reported this bill by unanimous voice vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the bill has been explained that was introduced by the gentleman from New Mexico [Mr. SKEEN] and the gentleman from New Mexico [Mr. SCHIFF]. It is a fair bill, and I would just urge colleagues to support it at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I wish to extend my strong support for H.R. 740 which deals with the Pueblo of Isleta Indian land claims. H.R. 740 comes before Congress for a vote which will correct a 45-year-old injustice. In 1951, the Pueblo of Isleta was given erroneous advice by employees of the Bureau of Indian Affairs regarding the nature of the claim the Pueblo could mount under the Indian Claims Commission Act of 1946. This is documented and supported by testimony. The Pueblo was not made aware of the fact that a land claim could be made based upon aboriginal use and occupancy. As a result, it lost the opportunity to make such a claim.

The Pueblo of Isleta was a victim of circumstances beyond its control, and this bill is an opportunity for us to correct this wrong. No expenditure or appropriations of funds are provided for in this bill: only the opportunity for the Pueblo to make a claim for aboriginal lands which the Isletas believe to be rightfully theirs. This bill may be the last chance for the United States to correct an injustice which occurred many years ago because of misinformation from the BIA.

Therefore, I urge my colleagues to support H.R. 740.

Mr. SKEEN. Mr. Speaker, I appreciate the opportunity today to offer my thoughts and comments on H.R. 740, the Pueblo of Isleta Indian Land Claims Act, which would permit the Pueblo of Isleta to file claims for the taking of aboriginal lands under the Indian Claims Commission Act of 1951.

Identical legislation unanimously passed the House in the 102d Congress but was not acted on in the Senate. Interestingly then, in the 103d Congress, the Senate unanimously passed identical legislation but it was never acted on by the House. I am hopeful that we will finally see this legislation passed by both Chambers in the same session of Congress.

In 1978, another New Mexican Indian tribe sought passage of similar legislation. That year, the Congress granted the Zuni tribe an extension of the statute of limitations under the Indian Claims Commission Act so that they could file their claim in court. This is all I seek for the Pueblo of Isleta.

There is further substantial precedent for this legislation beyond the Zuni case mentioned. Also in 1978, legislation was passed into law that authorized the Wichita Indian tribe of Oklahoma to file with the Indian claims commission. In more recent times, Congress passed special legislation allowing the Cow

Creek band in Oregon, the Cherokee Nation of Oklahoma, the Sioux tribes, and the Black-foot tribes to file claims with the Indian Claims Commission.

In the Zuni and Isleta cases, the pueblos failed to act under the Indian Claims Commission Act because of erroneous advice received from the Bureau of Indian Affairs. Pueblo officials were not informed that a claim under the act could be made based on aboriginal use and occupancy.

The Isleta Pueblo has previously filed a very limited claim under this act. However, their claim was not based on aboriginal use and occupancy. It has been the aboriginal use and occupancy issue which has been the basis for a majority of the Indian tribal claims under the Indian Claims Commission Act. None has been based on a claim founded on specific documentary evidence.

In addition, this legislation contains a provision for the payment of interest, consistent with previously passed legislation. However, it is not automatic; it provides that interest may be awarded at the court's discretion. It seems to me that the payment of interest is an equitable way to compensate the pueblo in lieu of the beneficial use of the land by the pueblo since the land was taken by the Government. If the United States acts as a supreme sovereign and confiscates land, it necessarily violates its fiduciary duty.

I would like to state that this bill does not support the merits of the pueblo's claim which it would lodge in the claims court; it merely grants the opportunity for the pueblo to present the merits of its case in the appropriate judicial forum.

Again, I urge your support of this legislation as we finally try to correct this longstanding injustice.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 740.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WAR CRIMES ACT OF 1996

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3680) to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes.

The Clerk read as follows:

H.R. 3680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "War Crimes Act of 1996".

SEC. 2. CRIMINAL PENALTIES FOR CERTAIN WAR CRIMES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 118—WAR CRIMES

"Sec.

"2401. War crimes.

"§ 2401. War crimes

"(a) OFFENSE.—Whoever, whether inside or outside the United States, commits a grave breach of the Geneva Conventions, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

"(b) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are that the person committing such breach or the victim of such breach is a member of the armed forces of the United States or a national of the United States (as defined in section 101 of the Immigration and Nationality Act).

"(c) DEFINITIONS.—As used in this section, the term 'grave breach of the Geneva Conventions' means conduct defined as a grave breach in any of the international conventions relating to the laws of warfare signed at Geneva 12 August 1949 or any protocol to any such convention, to which the United States is a party."

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"118. War crimes 2401".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3680 is designed to implement the Geneva conventions for the protection of victims of war. Our colleague, the gentleman from North Carolina, WALTER JONES, should be commended for introducing this bill and for his dedication to such a worthy goal.

□ 1445

Mr. Speaker, the Geneva Conventions of 1949 codified rules of conduct for military forces to which we have long adhered. In 1955 Deputy Under Secretary of State Robert Murphy testified to the Senate that—

The Geneva Conventions are another long step forward towards mitigating the severity of war on its helpless victims. They reflect enlightened practices as carried out by the

United States and other civilized countries, and they represent largely what the United States would do, whether or not a party to the Conventions. Our own conduct has served to establish higher standards and we can only benefit by having them incorporated in a stronger body of wartime law.

Mr. Speaker, the United States ratified the Conventions in 1955. However, Congress has never passed implementing legislation.

The Conventions state that signatory countries are to enact penal legislation punishing what are called grave breaches, actions such as the deliberate killing of prisoners of war, the subjecting of prisoners to biological experiments, the willful infliction of great suffering or serious injury on civilians in occupied territory.

While offenses covering grave breaches can in certain instances be prosecutable under present Federal law, even if they occur overseas, there are a great number of instances in which no prosecution is possible. Such nonprosecutable crimes might include situations where American prisoners of war are killed, or forced to serve in the Army of their captors, or American doctors on missions of mercy in foreign war zones are kidnapped or murdered. War crimes are not a thing of the past, and Americans can all too easily fall victim to them.

H.R. 3680 was introduced in order to implement the Geneva Conventions. It prescribes severe criminal penalties for anyone convicted of committing, whether inside or outside the United States, a grave breach of the Geneva Conventions, where the victim or the perpetrator is a member of our Armed Forces. In future conflicts H.R. 3680 may very well deter acts against Americans that violate the laws of war.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas has fully explained, H.R. 3680 implements this country's international obligation under the Geneva Convention which were ratified by the United States in 1955 to protect the victims of war by providing criminal penalties for certain war crimes. Mr. Speaker, this has never been formally enacted by statute, and the bill accomplishes this oversight.

Mr. Speaker, I will not be supporting the legislation because it contains a new provision for the death penalty, but I can say that the bill enjoys broad-based support on this side of the aisle.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for his comments, and I yield such time as he may consume to the gentleman from North Carolina, Mr. WALTER JONES, my colleague and

friend, and the author of the legislation we are discussing right now.

Mr. JONES. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Before I begin, I want to take a moment to thank Chairman SMITH and his subcommittee counsel, George Fishman, for their hard work and efforts to bring this important legislation to the floor today for consideration.

Mr. Speaker, now more than ever, we are sending our men and women to serve in hostile lands, and the specter of war crimes, looms over almost every U.S. military action abroad. As a member of the House National Security Committee, we have the responsibility of providing these service men and women with the best training and equipment available.

But this Congress should not stop there. We must ensure that we also protect the rights of all Americans who are defending the interests of our country abroad.

While it is difficult to believe, in the absence of a military commission or an international criminal tribunal, the United States currently has no means, by which we can try and prosecute perpetrators of war crimes in our courts. The Geneva Convention of 1949 granted the authority to prosecute individuals for committing "grave breaches" of the Geneva Convention, however, the authority was not self-enacting. The Geneva Convention directed each of the participating countries to enact implementing legislation. The United States never did.

Today, it would be possible, to find a known war criminal vacationing in our country, unconcerned with being punished for his crime. A modern-day Adolf Hitler, could move to the United States without worry, as he could not be found guilty in our courts of committing a war crime. We could extradite him or deport him, but we could not try him in America as a war criminal.

It is for these reasons that I have introduced H.R. 3680, the War Crimes Act of 1996. H.R. 3680 will give the United States the legal authority to try and prosecute the perpetrators of war crimes against American citizens. Additionally, those Americans prosecuted will have available all the procedural protections of the American justice system.

I drafted this bill late last year, shortly after I met a gentleman by the name of Capt. Mike Cronin who spent time as an uninvited guest of the "Hanoi Hilton." While serving in Vietnam as an A-6 pilot, Mr. Cronin was shot down and taken prisoner of war. For 6 years he lived in a cage. When he returned, he realized that while he and many others had witnessed war crimes being committed, no justice could be found within the U.S. court system be-

cause we had not yet enacted implementing legislation of the Geneva Convention.

It is for Mike Cronin, and the many others like him who were persecuted, that I have fought to bring this legislation to the floor today. While the bill is not retroactive, it can ensure that any future victims of war crimes will be given the protection of the U.S. courts. This is a strong bipartisan bill, which will rectify the existing discrepancy between our Nation's intolerance for war crimes and our inability to prosecute war criminals.

Once again, I would like to thank this body, Chairman SMITH, Chairman HYDE, and Ranking Member CONYERS for their support. Passage of the War Crimes Act of 1996 is a long overdue step in the right direction.

Mr. SCOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 3680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

REGARDING HUMAN RIGHTS IN MAURITANIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 142) regarding the human rights situation in Mauritania, including the continued practice of chattel slavery, as amended.

The Clerk read as follows:

H. CON. RES. 142

Whereas the Government of Mauritania has perpetrated a prolonged campaign of human rights abuses and discrimination against its indigenous black population;

Whereas the Department of State and numerous human rights organizations have documented such abuses;

Whereas chattel slavery, with an estimated tens of thousands of black Mauritians considered property of their masters and performing unpaid labor, persists despite its legal abolition in 1980;

Whereas individuals attempting to escape from their owners in Mauritania may be subjected to severe punishment and torture;

Whereas the right to a fair trial in Mauritania continues to be restricted due to executive branch pressure on the judiciary;

Whereas policies designed to favor a particular culture and language have marginalized black Mauritians in the areas of education and employment particularly;

Whereas Mauritians are deprived of their constitutional right to a democratically elected government;

Whereas Mauritanian authorities have still refused to investigate or punish individuals responsible for the massacre of over 500 military and civilian black Mauritians in 1990 and 1991; and

Whereas significant numbers of black Mauritians remain refugees stripped of their citizenship and property, including tens of thousands of black Mauritians who were expelled or fled Mauritania during 1989 and 1990: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls upon the Government of Mauritania to honor its obligations under the Universal Declaration of Human Rights and the Convention on the Abolition of Slavery, to prosecute slave owners to the fullest extent of the country's anti-slavery law, and to educate individuals being held as slaves on their legal rights;

(2) strongly urges the Government of Mauritania to abolish discriminatory practices and foster an environment that will integrate black Mauritians into the economic and social mainstream;

(3) urges in the strongest terms that the Government of Mauritania fully investigate and prosecute those officials responsible for the extrajudicial killings and mass expulsions of black Mauritians during the late 1980s and early 1990s;

(4) calls upon the Government of Mauritania to continue to allow all refugees to return to Mauritania and to restore their full rights;

(5) welcomes Mauritania's recent invitation to international human rights organizations to visit Mauritania; and

(6) further welcomes the growth of an independent press in Mauritania.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Guam [Mr. UNDERWOOD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation was introduced by this Member. It is hard to believe that in 1996, chattel slavery continues to exist in Mauritania. This gross injustice infringes on the most fundamental of human rights of perhaps thousands of that country's underclass. Members of that group are considered property of masters and expected to perform unpaid labor. This body should applaud the independent investigators, such as American journalist Sam Cotton, who have labored hard to break the conspiracy of silence surrounding this shameful practice.

It would be bad enough if slavery were the only abuse perpetrated against a certain class of Mauritania's people. Unfortunately, it is only one element of that country's tragic human rights situation. The government has yet to investigate or punish

those responsible for the massacre in 1990 and 1991 of over 500 military and civilian Mauritians, almost entirely from one ethnic group.

Mauritania's refugee population continues to suffer. Only a small number of the 70,000 Mauritians who were expelled or fled the country from 1989 to 1990 have been resettled. Most of this group continues to eke out a bleak existence in squalid refugee camps on Senegal's border, stripped of their citizenship and their property in their homeland.

Finally, although Mauritania's citizens are constitutionally guaranteed the right to elect their government, the multiparty elections held in 1992 that ended 14 years of military rule were considered fraudulent by the U.S. State Department and other international observers.

Mr. Speaker, it is the hope of this Member that House Concurrent Resolution 142 will help convince the government of Mauritania to once and for all abolish slavery and vigorously prosecute violators of existing antislavery laws. It is time that all classes of Mauritians finally be integrated into the full social and economic mainstream of their country, a basic right to which they are fully entitled.

This Member further hopes that the attention generated by this resolution will induce Mauritania to schedule free elections and rectify other injustices.

Mr. Speaker, this Member would now like to express his deep appreciation to the gentleman from New York, [Mr. GILMAN], chairman of the Committee on International Relations, whose efforts were instrumental in moving House Concurrent Resolution 142 to the floor. In addition, this Member would recognize the extraordinary efforts of the gentlewoman from Florida [Ms. ROS-LEHTINEN], the chairman of the Subcommittee on Africa, who has been a leader in bringing this issue to the attention of the world. The gentlewoman has held the important hearings on the matter and has done much to expose the continuing practice of slavery.

Lastly, this gentleman would recognize the efforts of the distinguished gentleman from New Jersey [Mr. PAYNE] who has worked in a bipartisan manner to help craft a common expression of concern and outrage. Finally, this Member would like to parenthetically say he owes a great debt of assistance and help from Ms. Angela Clark, a member of my staff, in effect, who has been serving as a fellow in that capacity. Her work on this issue has been fundamentally important to the Member, and I appreciate it.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 142, and I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I fully support the resolution introduced by Mr. BEREUTER,

House Concurrent Resolution 142, concerning the human rights situation in Mauritania, including the continued practice of chattel slavery.

According to the 1995 State Department Human Rights report, tens of thousands of Mauritians continue to live in servitude or near-servitude. While the Government of Mauritania has prohibited the practice of slavery and adopted related measures, much needs to be done to eliminate the vestiges of this appalling practice.

Mr. BEREUTER's resolution will put the Congress firmly on the side of those Mauritians who continue to suffer in servitude. In addition, the resolution calls upon the Government of Mauritania to take the steps necessary to eliminate the vestiges of slavery and bring all Mauritians into the economic and social mainstream of society.

Mr. Speaker, this is a strong resolution. Mr. BEREUTER and Mr. PAYNE of New Jersey, a member of our Subcommittee on Africa, have worked closely on this measure. It was supported on a bipartisan basis by the entire International Relations Committee. I urge its adoption.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support this resolution, House Concurrent Resolution 142. I commend the gentleman from Nebraska [Mr. BEREUTER] for sponsoring this resolution. I also, as well, would like to recognize the gentleman from New Jersey [Mr. PAYNE] for his important contribution to this issue.

The effects of slavery in Mauritania remain. Refugee repatriation, education of former slaves, and investigations of past atrocities are all issues which need attention. I hope this resolution will send a message about the importance of helping to improve conditions in Mauritania. I urge its adoption.

Ms. ROS-LEHTINEN. Mr. Speaker, as chair of the Subcommittee on Africa I urge all our colleagues to give strong support to this resolution addressing the appalling situation in Mauritania.

The resolution was reported out of the Africa Subcommittee by a unanimous vote, and reported by the Committee on International Relations again by unanimous vote.

It seems incredible that in the year 1996, we are still faced with the need to address reports that chattel slavery exists in any country. Reports that slavery continues to exist in practice, if not in law, in Mauritania are persuasive.

We continue to maintain unrelenting pressure on the Government of Mauritania to force them to take effective action to eliminate the practice of chattel slavery. Their actions to date have been ineffective.

We must focus on the plight of the victims of this practice. What could be worse than being held in slavery and to know that your children and grandchildren will be condemned to be slaves all their lives?

That human beings are held in bondage, bought and sold like animals, is simply not going to be tolerated in this day and age.

What is needed is for the Government of Mauritania to start to enforce the laws against slavery with vigor, and to prosecute those who violate those laws.

The Africa Subcommittee, in conjunction with the Subcommittee on International Operations and Human Rights, held a joint hearing on this subject, and it was clear that action was needed to bring about a positive change and an end to this horrid situation of slavery in Mauritania.

I support this resolution without reservation and urge the House to report this resolution by unanimous vote.

Mr. ACKERMAN. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 142, regarding human rights in Mauritania. This resolution highlights an issue that should sadden and anger all Americans. Indeed, the entire world should be outraged.

One would have thought that at the close of the 20th century, slavery would have been consigned to the history books, a painful reminder of our own ignorance and inhumanity. Instead, we are confronted with the appalling institution of slavery alive and well.

The evidence seems clear that slavery exists in both Mauritania and Sudan, which is why I find the public comments of our Ambassador to Mauritania, as well as the relatively weak reference to slavery in Mauritania in the recent Human Rights Country Report to be especially troubling. The United States should not be down-playing slavery. We should be raising our opposition to slavery at every possible opportunity.

Mauritania is violating international law by tolerating the existence of slavery and is violating its own domestic laws. There seems to have been little effort by the government of Mauritania to stop this abhorrent practice, since the government makes no effort to inform people of their rights and does not prosecute those who continue to hold slaves.

Mr. Speaker, by adopting this resolution today, the House will send a strong signal to the Government of Mauritania that more must be done to wipe out the scourge of slavery as well as its vestiges.

I urge all my colleagues to support House Concurrent Resolution 142.

Mr. UNDERWOOD. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 142, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

REAUTHORIZING DEVELOPMENT FUND FOR AFRICA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3735) to amend the Foreign Assistance Act of 1961 to reauthorize the Development Fund for Africa under chapter 10 of part I of that act, as amended.

The Clerk read as follows:

H.R. 3735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF DEVELOPMENT FUND FOR AFRICA.

Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended—

(1) by inserting after the section heading the following:

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter, in addition to amounts otherwise available for such purposes, \$704,000,000 for each of the fiscal years 1997, 1998, and 1999.”; and

(2) by striking “Funds appropriated” and inserting the following:

“(b) AVAILABILITY.—Funds appropriated”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] will each control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this too is legislation introduced by this Member. Accordingly, I want to thank the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], who is a cosponsor of this legislation and has been extremely helpful in moving this legislation forward.

In addition, the gentlewoman from Florida [Ms. ROS-LEHTINEN], distinguished chairman of the Subcommittee on Africa, was instrumental in ensuring timely consideration of the reauthorization of the DFA. This Member would also note the efforts of the distinguished gentleman from New York [Mr. HOUGHTON] who has labored long and hard on a wide variety of initiatives in response to the suffering in Africa, and has been very active in assisting in the movement of this act to the House floor.

This Member would also note the assistance of the distinguished gentleman from New Jersey [Mr. PAYNE] and the distinguished gentleman from Florida [Mr. HASTINGS], both of whom feel very deeply about continuing

United States efforts in Africa. With their assistance, the committee has reported out a truly bipartisan bill which all Members can support.

This Member would further assure his colleagues, particularly those from the other side of the aisle, that he has had an opportunity to discuss this matter personally with the Secretary of State, Mr. Christopher, and Secretary Christopher has expressed his support for the DFA reauthorization.

□ 1500

The Development Fund for Africa [DFA], was established in the mid-1980's, under the leadership of the gentleman from Michigan, Mr. Wolpe, a former Member, in order to ensure a relatively predictable level of assistance for this troubled corner of the world. That legislation had bipartisan support from the committee. I remember being a cosponsor of it. It was created in a bipartisan manner and has always received bipartisan support. Unfortunately, the authorization for DFA has lapsed and it is in need of reauthorization. H.R. 3735 does just that.

It is important for the Members of this body to understand that despite being the source of much of the world's most horrific suffering, sub-Saharan Africa has never been a high priority for the United States foreign assistance programs. Between 1962 and 1989, Africa accounted for just 6.7 percent of all United States foreign assistance, including the United States share of aid channeled through the multilateral organizations.

Even in recent years, despite the higher profile accorded to Africa under the DFA, assistance levels rarely have topped 10 percent of U.S. foreign assistance. Of this sum, approximately 30 percent is provided in the form of Public Law 480 food security assistance, and the remainder is allocated largely to development assistance. Thus, reauthorization of the Development Fund for Africa is essential if we are to ensure that Africa continues to receive an appropriate level of assistance.

However, H.R. 3735 does not micromanage. The DFA reauthorization does not dictate how those funds will be spent, just that the funds will be spent on programs in Africa. We are not seeking new money in addition to that which has been authorized within the overall foreign assistance authorization. I want to repeat that. We are not seeking new money in addition to that which has been authorized within the overall foreign assistance authorization. We are simply ensuring that a certain portion of the normally authorized foreign aid development assistance go to African programs.

As introduced, H.R. 3735 authorizes \$539 million a year for 3 years. That would mean that 41 percent of the total DA account would be spent on Africa. However, the legislation was amended

in committee, appropriately, I believe, in order to incorporate the projected Africa portion of the Child Survival Fund, which this Member supports and urges his colleagues to support.

This was done in order to avoid confusion because, while the House has come out strongly in favor of the Child Survival Fund, the Senate does not include a Child Survival Fund. This legislation simply makes it clear that a portion of the funds that should go to the Child Survival Fund will also support programs in Africa.

As amended, the authorization figure reflects the administration's fiscal year 1997 request level. This request level, \$704 million, is straight-lined for 3 years, fiscal year 1997 through 1999. Again this Member would remind his colleagues that this authorization level includes some \$140 million of the Child Survival Fund.

It is also important to remember that even at this level, support for the African programs has been reduced dramatically from a few short years ago when we were considering a \$1 billion DFA. Thus, this legislation keeps faith with the ongoing effort to reduce Federal spending, but it is consistent with the administration's request. H.R. 3735 falls within the parameters of the much reduced overall foreign assistance authorization levels that this body voted and approved earlier this year.

Mr. Speaker, finally, this Member would take a moment to recognize the efforts of the committee staff who have been instrumental in moving this legislation forward. In particular, this Member would express his personal thanks to Mr. Walker Roberts, Mr. Mark Kirk, and Mr. Michael Ennis, who have done all that was requested of them and more. They are key members of a truly exceptional staff that Chairman GILMAN has assembled.

This Member would also note the assistance of Maricio Tamarago of Chairman ROS-LEHTINEN's staff, as well as the bipartisan assistance from the staff on the other side of the aisle, and I am sure my colleague will want to mention them directly. Their help is sincerely appreciated.

Mr. Speaker, this Member would urge his colleagues to support H.R. 3735.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the bill, and I want to commend my friend from Nebraska for his diligence and hard work in bringing this bill to fruition.

There are compelling reasons to keep the Development Fund for Africa separate from other development assistance and funded at as high a level as possible. Africa has special development needs. We all know that. The continent has a unique combination of war-related humanitarian requirements and traditional sustainable development

needs. Many observers feel that Africa remains the world's greatest development challenge.

The DFA has proven to be an effective mechanism in providing foreign assistance to Africa. Its flexibility and orientation toward establishing measurable results distinguish the DFA.

The Development Fund for Africa was cut from \$781 million in 1995 to \$675 million in 1996, a cut of 13.6 percent, which was very regrettable because we know that this is where the humanitarian funds are needed.

I had occasion to visit West Africa along with other members of the Committee on Foreign Affairs, and we saw firsthand how these countries are crying out to us for assistance. I have long said on this floor that despite the pleas for assistance, we have indeed been falling short in recent years.

I think again it is very shortsighted because the world looks to America for leadership, the world looks to America for assistance, and if we want to see democracy flourish in these countries, we want to see people not suffer, we need this kind of humanitarian assistance. So restoring a line item at \$704 million is an appropriate policy response to the challenge facing United States policy in Africa, sort of a midway point between restoring most of the money that has been cut. There are many of us that believe it should be more, but I think that this is a very, very important step in the right direction.

I urge adoption of this bill.

Mr. ACKERMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3735, legislation reauthorizing the Development Fund for Africa [DFA].

By supporting the DFA, the House is sending an important message that Africa does matter and that the United States must remain engaged through the flexible and effective mechanism the DFA provides.

Africa continues to present significant development challenges to the United States and to the world. According to the 1995 World Development Report, 22 of the world's 30 poorest countries are in Africa. When compared to Asia or Latin America, life expectancy in Africa is shorter; infant and child mortality is greater; adult literacy is lower; fewer children are enrolled in primary and secondary schools; and population growth is higher. Obviously there is a tremendous amount of work to be done.

Reauthorizing the DFA will protect funding levels for Africa that might otherwise be diverted to short-term foreign policy crises elsewhere; it will continue to provide flexibility in designing and developing effective strategies for the region; and it will sustain the performance-based, results-oriented system for sub-Saharan Africa where aid resources are concentrated in countries that show the most commitment to developing their economic and political systems, and to addressing serious social problems.

Mr. Speaker, I commend Mr. BEREUTER for introducing the bill and Mr. GILMAN for bringing it before the House today, and I urge all my colleagues to vote to support the DFA.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the leadership of the House for scheduling floor action so quickly on this bill to reauthorize the Development Fund for Africa.

In this era of declining real foreign aid appropriations, it is important that Congress help set our foreign aid priorities by legislation and through negotiations with the executive branch.

Foreign aid needs in Africa are one of our highest priorities and deserve some legislative protection from the other demands upon the foreign affairs budget.

The money we invest today in promoting economic development, private enterprise development, and democratization in Africa is a wise investment.

As we have been in recent years, the lack of economic development and economic opportunities and the lack of democratic political systems has led to some extremely expensive humanitarian crisis and costly U.N. peace-keeping operations—such as those we have faced in recent years in Somalia, Rwanda, Angola, and Liberia, to name only a few countries on the continent.

While other regions of the world have shown economic progress, sub-Saharan Africa continues as a region with the least economic prosperity.

Given the lack of economic development, we should continue our efforts in Africa while phasing out our programs in the countries where they have now achieved their objectives.

I therefore strongly support the reauthorization of the DFA and an authorized level of \$704 million—which is the administration's requested level for the next fiscal year—with the hope that the Appropriations Committees will be able to find the resources to meet the needs of Africa.

This is a bipartisan effort, and I urge all Members of the House to support this bill.

Mr. GILMAN. Mr. Speaker, I want to commend Mr. BEREUTER and his bill, H.R. 3735, to reauthorize the Development Fund for Africa for fiscal years 1997–99. As our chairman of our Africa Subcommittee, Ms. ROS-LEHTINEN, will attest, while other regions of the world have improved their economic growth, sub-Saharan Africa remains far behind the rest of the world in per capita GNP. Given the lack of progress, there is a strong case for continued aid to Africa while other aid programs may be phased out. To reflect this strong sentiment behind continued aid to Africa, the committee will mark up this bill to reauthorize the main United States development aid program for that region.

I will note that from 1962 to 1989, Africa only received 6.7 percent of United States foreign aid. This increased to 10 percent in the early 1990's. This bill reflects the consensus that percentage should increase. While other regions have managed to attract private capital, Africa's share of the world trade has declined to just 1.6 percent, including South Africa. Infant mortality on the continent remains at twice the rate of other developing regions. Many countries need to graduate from aid, including South Africa, as AID plans. Others, many others in Africa, have a long way to go and this bill recognizes that fact.

Originally, the bill was drafted to reflect funding for Africa included in the House-

passed version of the fiscal year 1997 Foreign Operations Appropriations bill (H.R. 3540). Under that measure's bill and report language, Africa was set to receive \$539 million in development assistance, reflecting 41 percent of the worldwide development assistance account (the same percentage used in the President's request). In addition, the appropriations bill contained a child survival account that CRS projected would contribute \$140 million to Africa. Therefore, under the fiscal year 1997 House appropriations bill, a total of \$679 million in development assistance would go to Africa.

In negotiations, representatives of the administration urged our committee to put aside the House appropriations figures because the Senate did not duplicate them and could provide a higher total number for Africa, especially since the Senate also did not have a child survival fund. Therefore, I offered a compromise amendment to the bill, authorizing the DFA at the administration's fiscal year 1997 request level of \$704 million for 3 fiscal years, fiscal years 1997–99. We hope to provide a steady base of funding to slowly improve Africa's lot.

This bill has the support of the administration and major outside foreign assistance groups such as InterAction and Bread for the World. I want to specifically thank Carolyn Reynolds of InterAction and Cathy Selvaggio of Bread for the World for their support. I also want to wish the Acting AID Administrator for Africa, Gary Bombardier, well in his new position. While I have been critical of some actions taken by AID in South Africa, much of our sub-Saharan African aid program enjoys strong support. Gary was instrumental in starting the DFA during his service in Congress and our action today underlines that continuing support for the continent.

With that, I commend the bill to the House and urge all Members to support its passage.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 3735, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3735, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

MICROENTERPRISE ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3846) to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance for microenterprises, and for other purposes.

The Clerk read as follows:

H.R. 3846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise Act".

SEC. 2. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

"(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

"(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and

"(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

"(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises."

SEC. 3. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 129. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

"(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for microenterprises in developing countries.

"(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations; or

"(C) other indigenous governmental and nongovernmental organizations.

"(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

"(A) shall meet the needs of the very poor members of society, particularly poor women; and

"(B) should provide loans of \$300 or less in 1995 United States dollars to such poor members of society.

"(4) The Administrator should continue support for mechanisms that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

"(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

"(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator should establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have long recognized the value of the microenterprise loans. As chairman of the Subcommittee on Asia and the Pacific, I noted the success of the Grameen Bank in Bangladesh. Grameen has loaned over \$1 billion to over 2 million people with a repayment rate of 98 percent. These clearly fit the model of the microenterprise loan. I have seen it work very effectively in places like Peru, as well.

This bill provides two new authorities in the Foreign Assistance Act to provide microgrants and microloans. I am assured that the bill has the support of the minority and the administration. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. I want to commend the work that Chairman GILMAN and Mr.

GEJDENSON have done in putting together a bill that helps microenterprise development and a bill which we can all support.

Microenterprise development has proven to be an effective way to help the world's poor work their way to a better standard of living for themselves and for their country.

This bill establishes special authorities under the Foreign Assistance Act for microenterprise grants and loans. It signals the importance of focusing on loans to the poorest of the poor and providing such assistance through private voluntary and nongovernmental organizations. Again, it is the perfect example of the private sector working together with government in a partnership that works and helps people.

This bill should strengthen one part of the U.S. foreign assistance program. Again, I commend Chairman GILMAN and Mr. GEJDENSON for their efforts. This bill adopts a balanced and thoughtful approach. I strongly urge its adoption.

Mr. GILMAN. Mr. Speaker, this is a proud day for me. I began my work in support of microenterprise development almost 20 years ago as a member of the President's Commission on Hunger. I introduced the first microenterprise bill in 1986 and supported these programs as strongly as possible during my service here in Congress.

The Microenterprise Act, H.R. 3846, represents a historic alliance between the administration, microenterprise groups, and the Congress behind the cause of microenterprise development to help the poorest of the poor work their way out of poverty.

We have all heard of Prof. Muhammad Yunus and his successful Grameen Bank in Bangladesh. Today, the Grameen Bank is one of the largest banks in Bangladesh. It has served over 2 million borrowers and lent over \$1 billion. Most of the loans are small—under \$300—and 94 percent of the borrowers are women. The bank represents one of the most successful foreign assistance programs yet designed to eliminate poverty among the poorest of the poor.

Most importantly, Grameen's borrowers have repaid their loans at a 98 percent repayment rate.

The microenterprise movement is not just about Grameen. In Bolivia, BancoSol grew from nothing to serve over 40 percent of all banking clients in Bolivia. BancoSol and its microenterprise lending program is so big and successful that it has graduated part of this program from assistance and now borrows funds directly from the New York market to continue its service to Bolivia's poor. Other microenterprise institutions dot the planet, including hundreds here in the United States and especially in my home State of New York.

This bill breaks new ground. It provides two new tailor-made authorities under the Foreign Assistance Act for microenterprise grants and microenterprise loans. The bill recommends the administration to focus on loans to the poorest of the poor, mainly through private, voluntary organizations, nongovernmental organizations and other worthy institutions.

The administration supports this bill along with Mr. HAMILTON, Mr. GEJDENSON, Mr. HOUGHTON, and 24 other cosponsors. I am grateful to them and I want to give special thanks to key members of the Microenterprise Coalition, Sam Harris of RESULTS, Maria Otero of ACCION International, and Lawrence Yanovitch of FINCA along with Brian Atwood and Robert Boyer of AID who helped bridge the gap, allowing us in the Congress to come together in support of microenterprise.

I am informed that this bill has the support of Senator HELMS and Senator SARBANES. I think this bill is too important to delay in the other body. As the debate on the bill and the report that accompany the bill shows: One, that we want AID to make at least half of its micro credit in amounts below \$300, and two, that we want AID to make most initial loans at the \$150 level to reach the poorest of the poor. Following the hoped for enactment of this bill, we can reexamine the situation next year to assess how successfully AID is reaching the poor with micro credits.

I commend this bill to the House and urge its adoption.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 3846.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3846, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

AUTHORIZING VOLUNTARY SEPARATION INCENTIVE PAYMENTS TO EMPLOYEES OF AID

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3870) to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency, as amended.

The Clerk read as follows:

H.R. 3870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) DEFINITIONS.—For the purposes of this Act—

(1) the term "agency" means the Agency for International Development;

(2) the term "Administrator" means the Administrator, Agency for International Development; and

(3) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 12 months, but does not include—

(A) any employee who, upon separation and application, would then be eligible for an immediate annuity under subchapter III of chapter 83 (except for section 8336(d)(2)) or chapter 84 (except for section 8414(b)(1)(B)) of title 5, United States Code, or corresponding provisions of another retirement system for employees of the agency;

(B) a reemployed annuitant under subchapter III of chapter 83 of chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(C) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(D) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(E) an employee who, upon completing an additional period of service, as referred to in section 3(b)(2)(B)(i) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(F) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this Act or any other authority and has not repaid such payment;

(G) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(H) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this Act, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level; and

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this Act may be paid by the agency to not more than 100 employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this Act—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed \$25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) before February 1, 1997;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this Act.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(c) EFFECT ON SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this Act and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this Act. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chairman recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Agency for International Development requested this legislation to help them downsize. The Agency for International Development, AID, has already trimmed 3,000 positions, from 11,000 to 8,000. Unfortunately, AID must reduce its staff at a faster pace and institutes a layoff, or reduction in force, of 200 people to meet its personnel targets. Rather than lay off all 200 employees, AID would like to offer up to 100 employees severance payments, up to \$25,000 each, that they would have been able to receive if laid off. It gives AID the flexibility to find volunteers rather than lay off all 200 people.

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This bill has the support of our Subcommittee on Civil Service chairman, the gentleman from Florida, Mr. MICA and his counterpart in the other body, Mr. STEVENS of Alaska. I urge adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill. As has been explained by the gentleman from Nebraska [Mr. BEREUTER], this bill represents an effort to help the Agency for International Development to minimize the reductions in force required by budgetary constraints.

I must say that I regret the budgetary constraints which require the reductions in force. I have had occasion, of course, to see the good work that AID has done in many countries around the world. I can tell you that it is well worth the money and the effort that we put into it. But we have to be realists and we understand the budgetary problems and constraints. This simply helps AID minimize these reductions. It is something that we understand needs to be done. It has bipartisan support. Therefore, I urge adoption of this bill.

Mr. GILMAN. Mr. Speaker, I joined with the chairman of the Government Reform Committee's Civil Service Subcommittee, Chairman MICA, to support H.R. 3870, a bill written at the request of the administration to allow AID to offer up to 100 employees, who voluntarily resign, severance payments up to a cap of \$25,000. As you know, in the Foreign Service employees are entitled 1 month severance per year of service. Civil Service employees are entitled to 1 week severance per year of service.

Over the past few years, AID's personnel reduced in size from approximately 11,000 to 8,000 employees, mainly using hiring freezes that cause AID to lose approximately 120 employees per year. While the Appropriations Committee provided AID with an operating expense appropriation level they were assured would prevent layoffs, further cuts in the President's own fiscal year 1997 budget request caused AID to accelerate personnel reductions. AID is currently in the process of laying off 200 employees by conducting a formal reduction in force [RIF] of 97 Foreign Service and 103 Civil Service employees.

Rather than lay off all 200 employees, AID would like to offer up to 100 employees who voluntarily resign, and are not already eligible to retire, the opportunity to receive the severance payment they would have received if they had been laid off, up to a cap of \$25,000. In this way, AID hopes to have 100 volunteers take the place of at least half of those people scheduled to be laid off. CBO has stated that this bill would cause the Government to collect an additional \$1 million in mandatory receipts due to payments to Government retirement accounts required under the bill—thereby making it a net positive debt reduction measure for the purposes of the "pay-go" rules. In an advisory note, CBO also estimated the bill would cost \$3 million in discretionary spending, all within the already appropriated level of the AID operating expense account.

This bill is supported by the administration, the American Foreign Service Association, Mr. HAMILTON, Chairman MICA, and his counterpart, the chairman of the Government Affairs Committee, the senior Senator from Alaska, Mr. STEVENS. Other versions of this language have been attached to appropriations bills. We now expect that this free standing measure may be enacted as early as possible to allow AID to make the best of a bad situation.

We all support AID becoming a smaller, more efficient operation. This bill will help AID achieve that goal, using volunteers instead of draftees. I commend the bill to the House and urge its adoption.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 3870, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3870.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

RECOGNIZING AND HONORING THE FILIPINO WORLD WAR II VETERANS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 191) to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

The Clerk read as follows:

H. CON. RES. 191

Whereas the Commonwealth of the Philippines was strategically located and thus vital to the defense of the United States during World War II;

Whereas the military forces of the Commonwealth of the Philippines were called into the United States Armed Forces during World War II by Executive order and were put under the command of General Douglas MacArthur;

Whereas the participation of the military forces of the Commonwealth of the Philippines in the battles of Bataan and Corregidor and in other smaller skirmishes delayed and disrupted the initial Japanese effort to conquer the Western Pacific;

Whereas that delay and disruption allowed the United States the vital time to prepare the forces which were needed to drive the Japanese from the Western Pacific and to defeat Japan;

Whereas after the recovery of the Philippine Islands from Japan, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to defeat Japan;

Whereas every American deserves to know the important contribution that the military forces of the Commonwealth of the Philippines made to the outcome of World War II; and

Whereas the Filipino World War II veterans deserve recognition and honor for their important contribution to the outcome of World War II: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes and honors the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides long-delayed recognition to persons considered to be members of the Philippine Commonwealth Army veterans and members of the Special Philippine Scouts—by reason of service with the allied Armed Forces during World War II.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine

Commonwealth Army into the service of the United States forces of the Far East, under the command of Lt. Gen. Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos, of the Philippine Commonwealth Army fought alongside the allies to reclaim the Philippine Islands from Japan. Unfortunately, Congress rewarded this service by enacting the Rescission Act of 1946. This measure denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of the United States Armed Forces.

A second group, the Special Philippine Scouts called "New scouts" who enlisted in the United States Armed Forces after October 6, 1945, primarily to perform occupation duty in the Pacific, have also never received official recognition.

It is time to correct this injustice and to provide the official recognition long overdue for members of the Philippine Commonwealth Army and the Special Philippine Scouts that they valiantly earned for their service to the United States and the allied cause during World War II.

This Member strongly urges his colleagues to vote for this resolution to correct this grave injustice and provides recognition to members of the Philippine Commonwealth Army and the members of the Special Philippine Scouts.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this. The Philippines and the United States have a long history of friendship and cooperation. Just recently President Clinton praised the contribution of Filipino veterans, and he did it so recently. He did so during his trip in 1994, when he visited the Philippines.

The role of the Filipino veterans is very, very important in the victory over Japan in World War II. It is very appropriate, I believe, for Congress to recognize and honor the service provided by these veterans.

As the resolution notes, Filipino veterans were important players in the effort to defeat Japan in World War II. The Philippine Islands played a critical role as a strategic base for launching the final effort to defeat Japan.

This resolution seeks to convey the appreciation of the Congress for these contributions. I believe it is very fitting that we do so.

Mr. Speaker, I urge adoption of this resolution.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman from Nebraska for moving this legislation very quickly through the subcommittee, and I wish the chairman, Mr. GILMAN, was here.

He has worked long and hard to make sure that this resolution gets to the floor. Our colleagues over in the Senate, Senators INUYE and AKAKA, will move this legislation very rapidly through their body, and I thank them profusely for that.

Mr. Speaker, today is an historic day in this Chamber. We are taking the first step in the long overdue recognition of a group of brave soldiers who played a significant role in the outcome of World War II; that is, the Filipino veterans.

Too few Americans are familiar with this chapter in our Nation's history. During World War II, the military forces of the Commonwealth of the Philippines were drafted to serve in our armed forces by an Executive order of the President of the United States. Under the command of General Douglas MacArthur, they fought side-by-side with forces from the United States mainland against our common enemy. Filipino soldiers defended the American flag in the now famous battles of Bataan and Corridor. Thousands of Filipino prisoners of war died during the 65-mile Bataan death march. Those who survived were imprisoned under inhumane conditions, where they suffered casualties at the rate of up to 200 prisoners each day. They endured 4 long years of enemy occupation. Those soldiers fortunate to escape capture, together with Filipino civilians, fought against the occupation forces. Their guerrilla attacks foiled the plans of the Japanese for a quick takeover of the region and allowed the United States the time needed to prepare forces to defeat Japan. After the liberation of the Philippine Islands, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to win the war.

With their vital participation so evident, one would assume the United States would be grateful to their Filipino comrades. So it is hard to believe that soon after the war ended, the 79th Congress voted in a way that only can be considered to be blatant discrimination, taking away the recognition and benefits that the Filipino World War II veterans were promised, the recognition and benefits so richly deserved.

The Washington Post wrote in 1947 that "While the Philippine Islands were still under United States sovereignty, the President issued an order making the Filipino Army a part of the American Army. This made the Filipino soldiers who constituted that army a part of our fighting forces as much as were soldiers drafted from the States, and they remained in this status until the eve of the Philippine independence. Last year, however, Congress passed the First Rescission Act denying to Filipino veterans most of the benefits that go automatically to other veterans who were exposed to similar

risks and hardships. "We cannot help thinking," wrote the Post, "that if Congress reviews the situation with full realization these men were members of our own army and subject to its orders, it will see that a great injustice has been done."

That was 50 years ago, Mr. Speaker.

Even President Truman, who signed the Rescission Act, said it did not release the United States from its obligation to provide for the heroic Filipino veterans who sacrificed so much during the war. He believed it was a moral obligation of the United States to look after the welfare of Filipino veterans. So do I, and so do my colleagues who join me in cosponsoring this resolution today.

It has taken Congress 50 years to act, but finally we are going to correct this situation. The Senate earlier this month passed Senate Concurrent Resolution 64 and honored the Filipino World War II veterans. Today, the House of Representatives will join the Senate in this important statement.

I want to thank all the Filipino veterans and all their sons and daughters who have called and written to educate Members of this Congress. This momentous vote would not have occurred without their efforts and persistence.

Today, Mr. Speaker, I am proud to be a Member of this body. We are acting in a manner to correct the wrongs inflicted on these brave veterans. This is a first step. In the next Congress I will reintroduce the Filipino Veterans Equity Act, which follows the recognition we bestow today with benefits the Filipino veterans were promised.

Mr. Speaker, many of my constituents are veterans affected by this resolution. Not a day goes by when they do not pray for a restoration of their honor and dignity. I urge my colleagues to correct a monumental injustice by recognizing and honoring the brave Filipino World War II veterans for their defense of democratic ideas and their important service and contribution to our victory in World War II.

Again I thank the gentleman from New York [Mr. ENGEL], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New York [Mr. GILMAN], the chairman, and the gentleman from Indiana [Mr. HAMILTON], the ranking member, for allowing us to vote on this today.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I would also like to commend the Members of the other body for processing this resolution, particularly Senators INUYE and AKAKA, and also congratulate and thank the gentleman from New York, Mr. GILMAN, and the gentleman from Nebraska, Mr. BEREUTER, for moving this legislation to the floor in a timely manner.

I represent Guam, which is the closest American jurisdiction to the Philippines, and we on Guam are fully aware of the situation confronted by the Filipino veterans, having endured the Japanese occupation ourselves.

Mr. Speaker, I rise today in support of House Concurrent Resolution 191, a concurrent resolution to recognize and honor the Filipino World War II veterans. Although mainly symbolic and long overdue, this resolution is a step toward this body's full recognition of the loyalty and sacrifices of the over 30,000 Filipino soldiers who fought and died alongside our soldiers in World War II.

Gen. Douglas MacArthur, referring to the defenders of Bataan and Corregidor, claimed that "no army has ever done so much with so little." Many of us take this as words of commendation meant for American forces defending the Philippines. However, we must not overlook the fact that a substantial portion of this defense force was composed of Filipino volunteers.

Although they fought and died alongside American comrades, these veterans were never afforded equal status. Prior to mass discharges and disbanding of their unit in 1949, these veterans were paid only a third of what regular service members received at the time. Underpaid, having been denied benefits and lacking proper recognition, General MacArthur's words truly depict the plight of the remaining Filipino veterans today as they did half a century ago.

I urge my colleagues to support House Concurrent Resolution 191 and consider this resolution as a commitment toward future legislation to fully recognizing the contributions and recognize status of Filipino World War II veterans.

To the many fine residents of Guam are members of the Philippine Scouts: I salute you. Your service should not be forgotten and will not be forgotten.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to not only recognize the leadership of the gentleman from New York [Mr. GILMAN] and thank the gentleman from New York [Mr. ENGEL], but to recognize that a lead cosponsor was the gentleman from California [Mr. FILNER], whose remarks you heard, and thank the gentleman from Guam [Mr. UNDERWOOD] for his very salient remarks.

Additionally, I wanted to mention that the chairman and ranking minority member of the Committee on Veterans' Affairs, the gentleman from Arizona [Mr. STUMP], and the gentleman from Mississippi [Mr. MONTGOMERY], original cosponsors, along with the gentleman from New York [Mr. SOLOMON], the gentleman from California

[Mr. DORNAN], the gentleman from California [Mr. CAMPBELL], the gentleman from California [Mr. BILBRAY], the gentleman from Illinois [Mr. FLANAGAN], the gentleman from Missouri [Mr. TALENT], the gentlewoman from California [Ms. PELOSI], the gentleman from Hawaii [Mr. ABERCROMBIE], the gentlewoman from Hawaii [Mrs. MINK], the gentleman from Illinois [Mr. EVANS], the gentleman from California [Mr. MILLER], and the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GILMAN. Mr. Speaker, I rise in strong support of this resolution to provide long-delayed recognition to persons considered to be members of the Philippine Commonwealth Army veterans and members of the Special Philippine Scouts—by reason of service with the Allied Armed Forces during World War II.

We must correct the grave injustice that has befallen this brave group of veterans, since their valiant service, on behalf of the United States, during the Second World War.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East, under the command of Lt. Gen. Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos, of the Philippine Commonwealth Army fought alongside the Allies to reclaim the Philippine Islands from Japan. Regrettably, in return, Congress enacted the Rescission Act of 1946. This measure denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of the United States Armed Forces.

A second group, the Special Philippine Scouts called New Scouts who enlisted in the U.S. Armed Forces after October 6, 1945, primarily to perform occupation duty in the Pacific, have also never received official recognition.

I believe it is time to correct this injustice and to provide the official recognition long overdue for members of the Philippine Commonwealth Army and the Special Philippine Scouts that they valiantly earned for their service to the United States and the Allied cause during World War II.

These members of the Philippine Commonwealth Army and the Special Philippine Scouts served just as courageously and made the same sacrifices as their American counterparts during the Pacific war. Their contribution helped disrupt the initial Japanese offensive timetable in 1942, at a point when the Japanese were expanding almost unchecked throughout the Western Pacific.

This delay in the Japanese plans bought valuable time for scattered Allied Forces to regroup, reorganize, and prepare for checking the Japanese in the Battles of the Coral Sea and Midway.

It also earned those who were unfortunate enough to be captured the wrath of their Japanese captors. As a result, these Filipino prisoners joined their American counterparts in the Bataan Death March, along with suffering inhuman treatment which redefined the limits of human depravity.

During the next 2 years, Filipino Scout units, operating from rural bases, tied down precious Japanese resources and manpower through guerrilla warfare tactics.

In 1944, Filipino forces provided valuable assistance in the liberation of the Philippine Islands which in turn became an important base for taking the war to the Japanese homeland. Without the assistance of Filipino units and guerrilla forces, the liberation of the Philippine Islands would have taken much longer and been far costlier than it actually was.

In a letter to Congress dated May 16, 1946, President Harry S. Truman wrote:

The Philippine Army veterans are nationals of the United States and will continue in that status after July 4, 1946. They fought under the American flag and under the direction of our military leaders. They fought with gallantry and courage under the most difficult conditions during the recent conflict. They were commissioned by us, their official organization, the Army of its Philippine Commonwealth was taken into the Armed Forces of the United States on July 26, 1941. That order has never been revoked and amended. I consider it a moral obligation of the United States to look after the welfare of the Filipino veterans.

Accordingly, I urge my colleagues to support this resolution that corrects this grave injustice and provides recognition to members of the Philippine Commonwealth Army and the members of the Special Philippine Scouts, which they fully deserve.

Mr. SCOTT. Mr. Speaker, I rise to add my support to the recognition of the Philippine Commonwealth Army veterans who stood beside the United States servicemen during the Second World War. The efforts of these members of the Philippine Army were essential in operations that helped free the nation of the Philippines from Japanese aggression and resulted in the defeat of Japan's expansion efforts. Nearly 100,000 Filipino soldiers endured more than 4 years of battle that left over 1 million Philippine civilians, soldiers, and guerrilla fighters dead.

In 1946, Congress passed a Rescission Act that declared that the service provided by these brave people did not qualify them for veteran's benefits. These veterans were called to duty under the command of Gen. Douglas MacArthur and they were U.S. soldiers. The Philippine Scouts, who served after October 6, 1945, were also United States soldiers. House Concurrent Resolution 191 restores the recognition these brave soldiers deserve.

This recognition is long overdue. We long ago promised these veterans the benefits they earned and we turned our backs on them. After ignoring the injustice of this country's bias so long, I am pleased that we can now provide a first step toward correcting this longstanding oversight. These veterans deserve the same rights and benefits as members of the U.S. services. It is only right that we fulfill our promises and recognize these deserving servicemen.

Mr. FARR of California. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 191, honoring the Filipino veterans of World War II, which the House approved yesterday. A number of my Filipino constituents are veterans from the Second World War, and served bravely in defense of our Nation.

I can personally attest to their courage, strength of character, and love of country.

However, I cannot help but express my concern that the House has yet to act on an important bill to help Filipino veterans: the Filipino Veterans Equity Act, which would provide all Filipino veterans full and equal benefits available to other veterans of the Second World War.

Few people realize that thousands of Filipinos who served in World War II are not considered to have been in "active service", and are thus ineligible for full veterans benefits. Many of these same veterans served during the battle of Bataan, and were later subject to the horrors of the Bataan Death March. They also fought against the Japanese during their occupation of the Philippines.

The Filipino Veterans Equity Act would end this unfair discrimination and allow Filipino veterans the same benefits as others who served during World War II. I and 70 of my colleagues in the House have cosponsored this important legislation; yet, after nearly eighteen months of consideration, the bill has yet to be enacted.

Thousands of Filipinos risked their lives during World War II for freedom and democracy. We owe them the same benefits and privileges as other veterans who did the same. Let's enact real rights and recognition for Filipino veterans.

Mrs. MALONEY. Mr. Speaker, I rise today in support of several measures that will benefit veterans in my district and around the Nation. Today, the House considers veterans health care eligibility reform, the Veterans Employment Opportunities Act, and the honoring of Filipino veterans who served during World War II.

The Veterans Employment Opportunities Act will strengthen veterans' preference and increase employment opportunities for veterans with the Federal Government. I am pleased to have supported this bill when it came through the committee on which I sit, the Government Reform and Oversight Committee.

I believe in the importance of preventing Federal agencies from unfairly stripping veterans of their preference rights during a reduction in force. By ensuring that veterans have the right to take their cases to Federal court when their other legal avenues have been exhausted, this bill is a step forward for America's veterans.

Another bill that I am happy to see come to the House floor is a bill to reform veteran's health care eligibility. After veterans have put their lives on the line for America, we need to do everything we can to provide the health care veterans need.

The eligibility reform measure will change the way veterans health care is provided in the future. The new system will include a clinically appropriate "need for care" test to ensure that medical judgment is the fundamental criteria in determining the level and amount of care to be provided. However, although I agree that the eligibility rules must change to accommodate our veterans, we also need to provide the necessary funding to achieve these goals.

Finally, the House also considers a bill to honor the military contribution of the Commonwealth of the Philippines during World War II.

These Filipino forces were instrumental in helping the United States defend our democratic ideals during the war. We should be proud of all the contributions made by our Filipino neighbors on the Pacific front.

The contributions made by veterans during times of war, is what allows us to enjoy these times of peace. We must continue to support and honor our veterans. America will always be grateful to its veterans for the sacrifices made for this great Nation.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of House Concurrent Resolution 191 which recognizes Philippine war veterans and the contributions and sacrifices they made to and for United States efforts during World War II.

The Philippines and the United States enjoyed a close relationship for nearly a century. This relationship was most clearly evident during the battle in the Pacific in World War II. The Philippine Independence Act of 1934 set a 10-year timetable for the eventual independence of the Philippines, but was delayed another 2 years because of the Japanese occupation. Under the act, effective in 1946, the United States President retained the right to call into the service of the United States Armed Forces all military forces organized by the Commonwealth of the Philippines. Due to its vital importance to the defense of the United States, President Roosevelt invoked an Executive order on July 26, 1941, bringing Philippine soldiers into the service of the United States Armed forces under the command of General Douglas MacArthur. Under this Executive order, Philippine soldiers who served in regular components of the United States Armed Forces and the Old Scouts were considered members of the United States forces.

In 1946 Congress passed the Rescissions Act which limited benefits these Philippine soldiers could receive, reneging on commitments to these servicemen. Despite their sacrifices and exemplary service, these Philippine soldiers were subjected to lesser status previously assured them by the United States. Although these veterans faced the same hardships and risks as their American counterparts, the passage of the 1946 Rescissions Act stripped these veterans for recognition they rightfully deserved.

When President Roosevelt called on the Philippine military to join forces with the United States, they did so with honor and resilience. Without hesitation they courageously mounted a remarkable defense of the islands, particularly a Bataan and Corregidor. Their perseverance effectively resisted the enemy and ultimately led to the retaking of the Philippines. This heroic service prevented the enemy from conquering the Pacific and allowed United States troops, under the command of General Douglas MacArthur, to return to the Philippines. Their valor was instrumental in United States preparations for the final assault on Japan.

Today we have the opportunity to acknowledge the contributions and sacrifices of these Philippine veterans who bravely fought along side American forces in the battle in the Pacific Theater. House Concurrent Resolution 191 recognizes and honors these men who gave their lives for Freedom. We need to go

further to grant full equity to these Philippine veterans by providing them all the benefits due United States veterans. Congress took the first step in 1990 to address this inequity by permitting Philippine veterans of World War II to apply for naturalization and to receive full benefits after May 1, 1991. I urge my colleagues to join in recognizing the contributions of these Philippine soldiers and vote yes on this resolution.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 191.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 191.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1530

SUPPORTING A RESOLUTION OF THE CRISIS IN KOSOVA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 155) concerning human and political rights and in support of a resolution of the crisis in Kosova, as amended.

The Clerk read as follows:

H. CON. RES. 155

Whereas the Constitution of the Socialist Federal Republic of Yugoslavia, adopted in 1946 and the amended Yugoslav Constitution adopted in 1974, described the status of Kosova as one of the 8 constituent territorial units of the Yugoslav Federation;

Whereas the political rights of the Albanian majority in Kosova were curtailed when the Government of Yugoslavia illegally amended the Yugoslav federal constitution without the consent of the people of Kosova on March 23, 1989, revoking Kosova's autonomous status;

Whereas in 1990, the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia;

Whereas in September 1990, a referendum on the question of independence for Kosova was held in which 87 percent of those eligible to participate voted and 99 percent of those voting supported independence for Kosova;

Whereas in May 1992, a Kosovar national parliament and President, Dr. Ibrahim

Rugova, were freely and fairly elected, but were not permitted to assemble in Kosovo;

Whereas according to the State Department Country Reports on Human Rights for 1995, "police repression continued at a high level against the ethnic Albanians of Kosovo... and reflected a general campaign to keep [those] who are not ethnic Serbs intimidated and unable to exercise basic human and civil rights";

Whereas over 100,000 ethnic Albanians employed in the public sector have been removed from their jobs and replaced by Serbs since 1989;

Whereas the government in Belgrade has severely restricted the access of ethnic Albanians in Kosovo to all levels of education, especially in the Albanian language;

Whereas the Organization on Security and Cooperation in Europe observers dispatched to Kosovo in 1991 were expelled by the government in Belgrade in July 1993, and have not been reinstated as called for in United Nations Security Council Resolution 855 of August 1993;

Whereas following the departure of such observers, international human rights organizations have documented an increase in abuses;

Whereas the United Nations announced on February 27, 1995, that Serbia had granted it permission to open a Belgrade office to monitor human rights in Serbia and Kosovo;

Whereas Congress directed the State Department to establish a United States Information Agency (U.S.I.A.) cultural center in Prishtina, Kosovo, in section 223 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993;

Whereas Secretary of State Warren Christopher announced on February 27, 1996, that Serbian leader Slobodan Milosevic has agreed to the establishment of such center and that preparations for the establishment of the center are proceeding;

Whereas, with the signing of the Dayton agreement on Bosnia, future peace in the Balkans hinges largely on a settlement of the status of Kosovo; and

Whereas the President has explicitly warned the Government of Serbia that the United States is prepared to respond in the event of escalated conflict in Kosovo caused by Serbia; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the situation in Kosovo must be resolved before the outer wall of sanctions against Serbia is lifted and Serbia is able to return to the international community;

(2) the human rights of the people of Kosovo must be restored to levels guaranteed by international law;

(3) the United States should support the legitimate claims of the people of Kosovo to determine their own political future;

(4) international observers should be returned to Kosovo as soon as possible;

(5) the elected government of Kosovo should be permitted to meet and exercise its legitimate mandate as elected representatives of the people of Kosovo;

(6) all individuals whose employment was terminated on the basis of their ethnicity should be reinstated to their previous positions;

(7) the education system in Kosovo should be reopened to all residents of Kosovo regardless of ethnicity and the majority ethnic Albanian population should be allowed to educate its youth in its native tongue;

(8) the establishment of a United States Information Agency cultural center in Prishtina, Kosovo, is to be commended; and

(9) the President should appoint a special envoy to aid in negotiating a resolution to the crisis in Kosovo.

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 155 notes our continuing concern about the situation in Kosovo and its Albanian majority. As we have focused most of our attention on Bosnia, the people of Kosovo have suffered under unlawful amendments to their Yugoslav constitution, police repression, employment discrimination, restricted education, expulsion of international observers and more.

Indeed, many believe the seeds of the conflict that erupted in the former Yugoslavia were sown in Kosovo.

I hope all Members will join in sending a message to the Kosovan people that we have not forgotten them and that the United States Congress will continue to press for restoration of their civil and political rights. Let us adopt this resolution today.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

It is my honor and pleasure to speak in favor of House Concurrent Resolution 155, which is a resolution which I have authored. I have spent many, many years in this Congress bringing forth the case of the Albanian people in Kosovo before this Congress, and I am delighted to see this resolution on the floor.

I want to thank my good friend, the gentleman from Nebraska, Mr. BEREUTER, as well as the gentleman from New York, Chairman GILMAN, and also the gentleman from New Jersey, Chairman CHRIS SMITH, who has played a major role, a very, very helpful role, in bringing forward the terrible human rights violations so that this Congress understands that.

I also want to thank the cosponsors of the bill, the people who have agreed to sponsor the bill with me, the gentlewoman from New York [Ms. MOLINARI], the gentleman from California [Mr. LANTOS], the gentleman from Illinois [Mr. PORTER], the gentleman from Michigan [Mr. LEVIN], the gentleman from New York [Mr. KING], the gentleman from New Jersey [Mr. TORRICELLI], the gentleman from Virginia [Mr. MORAN], the gentlewoman from New York [Mrs. KELLY], the gentleman from Michigan [Mr. BONIOR], the gentleman from California [Mr. MILLER], and the gentleman from California [Mr. ROHRBACHER]. I want to thank them all for their support as well.

Mr. Speaker, I have recently, just last week, come back from a trip to Kosovo where I had the honor of cutting the ribbon and hoisting the American flag at the opening of the new USIA office in Prishtina, which is the capital of Kosovo. I can tell my colleagues that, as we hoisted the American flag in our new office, there were throngs of people across the street chanting USA, USA, and free Kosovo, free Kosovo.

Indeed, the human rights violations in that region of the world are non-existent. Let me say a little about Kosovo. Kosovo is an area contained in what is now Serbia, former Yugoslavia, which contains at least 90 percent ethnic Albanians. These ethnic Albanians have no political or civil rights whatsoever. The situation there is very bleak and grim and seems to be getting worse, not better.

I have often said that, if we allow the incidents in Kosovo to remain unchecked, Bosnia would be a tea party compared with what might happen to the people in Kosovo, because the nationalism there is just as terrible as it was in Bosnia. With the repression of the Albanian majority, I shudder to think what might happen if the United States might turn the other way.

House Concurrent Resolution 155 simply says that the outer wall of sanctions shall remain in place against Serbia until there are improvements in the human rights situation in Kosovo. The outer wall of sanctions prevents Serbia from joining certain international organizations, including monetary organizations, which they are eager to join.

I must say that in visiting Kosovo I also visited Belgrade, the capital of Serbia, and met with Serbian President Milosevic and made it clear to him as well that the United States was not prepared to lift the outer wall of sanctions until we saw substantial improvement in the human rights situations in Kosovo. I relayed this to the Serbian authorities in Kosovo as well.

The resolution also demands the restoration of all human and political rights in Kosovo. I must say that the Albanian Parliament there was elected more than 4 years ago and was never allowed to meet, under threat of jail and repression. None of its leaders were allowed to meet. The 4 years have come and gone, and, as a result, they have never met and have no political rights.

It also commends the opening of the United States Information Agency office. This is a small step but a step in the right direction. I have often said that we need to have an American presence on the ground in Kosovo with the American flag flying. It sends very important messages to two parties, one to the ethnic Albanians there, again comprising over 90 percent of the population. It tells them this United States has not abandoned them, that the

United States stands by them, that the United States will continue to monitor the situation and that we will not tolerate lack of human rights for all peoples in Kosovo.

It also sends a very important message to the Serb Government, particularly Serb President Milosevic. It says to him again that the United States is engaged; the United States is watching; that the United States will not tolerate the abuses, human rights abuses of the majority in Kosovo.

So I believe it sends a very, very important message. It is also significant, the fact that, since we are closing consulates and closing offices around the world due to budgetary constraints, here is the one place where we are opening an office. So it further emphasizes the United States concern with the lack of human rights in Kosovo.

As my friend from Nebraska said, there was an expulsion of international observers again by the Serbs, so we do not have international observers observing the human rights situation in Kosovo. So the United States Information Agency office is all the more important, and we must have international observers back as soon as possible.

The resolution also and very importantly says that the President ought to send a presidential envoy to help mediate the situation there between the Albanians and the Serbs. We have seen in other parts of the world, notably Northern Ireland, where a United States envoy was appointed. We have seen in Bosnia, for instance, where, with United States envoys, the United States is involved, and the United States grabbed the bull by the horns so to speak to prevent further atrocities from happening.

I believe very strongly, and this resolution says very strongly, that the United States envoy there would be very, very important. On the appointment of a presidential envoy, I raised this with Mr. Milosevic the other week in Belgrade. While he rejected it and said it would be meddling in Serbian internal affairs, I believe that it is something that we should continue to pursue and something that we should do.

Now, let us talk about the lack of freedoms that the Albanians have in Kosovo. They are constantly harassed by Serbian police and the Serbian presence. There is 80 percent and higher unemployment amongst the Albanian population because there has been wholesale firings and expulsion of Albanian workers in hospitals, in universities, in schools.

So the Albanian population has no hope of getting jobs or being employed. I have said to the Serbian authorities when they talked about wanton actions of terror, I said I was absolutely opposed to terror; but I thought despair breeds terror, and right now the Alba-

nian population is in despair. They are in despair because there is no hope for the future with the situation just the way it is.

With our European allies recognizing Serbia, many of the Kosovars feel even more abandoned. So the United States is the one country in the world that holds the promise of opportunity to them so that they know that the United States has not abandoned them. That is why when they were yelling USA, USA, those American flags were being flown. They were waving American flags and handing me and other members of our delegation flowers. It was really something to behold.

The Albanian language is repressed. Albanian schools are repressed. Albanian health facilities are repressed, so basic health care cannot be gotten by the average Albanian. And again this Congress has provided, other Congresses have provided \$6 million of humanitarian assistance to Kosovo. I saw firsthand on the ground what our American dollars are doing so that mothers who have never had any kind of health care whatsoever can go to these clinics, helped in large part by American funds and governmental funds and private donations so that these women can have their babies in clean surroundings for the first time attended to by medical doctors.

Again, these Albanian doctors who have been fired from their jobs are all volunteering and have a tremendous spirit of all for one and one for all.

So this resolution, I believe, goes a long way in sending a very, very important message in that area of the world, both to the Albanians, who are repressed by the Serbian authorities, and to the Serbs and Mr. Milosevic that the United States again is engaged and the United States says the sanctions will not end until there are human rights improvements and we demand the restoration of all human and political rights.

Mr. Speaker, I think that this Congress ought to be commended. In some of our other legislation we passed similar legislation involving the points of House Concurrent Resolution 155, but this is the first time that we are actually having a freestanding resolution. For that, I think that the Committee on International Relations, the gentleman from New York, Chairman GILMAN, the gentleman from Indiana [Mr. HAMILTON], and others are to be commended.

I think that this Congress is about to be commended because the United States again is looked upon as a champion of freedom by so many people in the world, but certainly by the ethnic Albanians in Kosovo. They know that the United States is the champion of freedom. This little small effort says to them we have not abandoned you, we will not forget you, we will be there until all human and political rights are restored in Kosovo.

Mr. Speaker, I include for the RECORD documents relating to this topic.

U.S. DEPARTMENT OF STATE,

Washington, DC, July 19, 1996.

Hon. ELIOT ENGEL,
House of Representatives,
Washington, DC.

DEAR MR. ENGEL: Thank you for your June 11 letter to President Clinton regarding the situation in Kosovo. The State Department has been asked to respond on his behalf.

We appreciate and are gratified by your comments concerning the Administration's deep engagement in the search for a peaceful, equitable solution in Kosovo. Like you, the Administration is fully committed to ensuring that all the people of Kosovo have the ability to participate fully in the life of the region.

Early in his term, President Clinton reaffirmed President Bush's "Christmas Warning" of a military response to Serb-instigated violence in Kosovo. Likewise, a key requirement for lifting the "Outer Wall" of sanctions is progress towards resolving the situation in Kosovo. These sanctions apply to membership in the United Nations and other international organizations; normalization of our bilateral relations; and membership in the World Bank, International Monetary Fund and other International Financial Institutions. Milosevic is very eager to overcome these sanctions and we have left him with no doubts how to do so.

While we share your concern regarding the situation in Kosovo, we do not believe that there is a need for a special envoy to deal solely with this issue. Assistant Secretary John Kornblum, who leads our efforts in the former Yugoslavia, has made Kosovo a priority. He meets frequently with President Milosevic and always makes clear that there must be progress on Kosovo if the "FRY" is to emerge from the shadow of the Outer Wall. In fact, every high Administration official who has met with Milosevic has insisted on the need to act on Kosovo.

In addition to continuing pressure on the Belgrade authorities, Secretary Christopher and Ambassador Kornblum have met with Dr. Rugova and other LDK leaders on several occasions. It is our hope that these contacts will lead to serious talks between the parties on the future of Kosovo. We are hopeful that both sides will soon be prepared to sit down and discuss a peaceful solution to the situation in Kosovo.

Sincerely,

BARBARA LARKIN,
Acting Assistant Secretary,
Legislative Affairs.

HOUSE OF REPRESENTATIVES
Washington, DC, June 11, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We would like to express our appreciation for the steps your administration has taken to encourage an equitable resolution to the crisis in Kosovo, including high level diplomatic meetings with President Ibrahim Rugova and progress toward the establishment of a USIA office in Prishtina.

Unfortunately, in recent weeks the situation in Kosovo has deteriorated, with tensions rising significantly following the deaths of two young Albanians. Moreover, Kosovars feel increasingly slighted because the United States and the international community did not place their very legitimate claims on the agenda during the talks in

Dayton and have not yet appeared to make Kosovo a priority.

We believe that the time has come to afford the situation in Kosovo the attention it deserves. This means that the United States must give the highest level of attention to Kosovo right now to prevent the situation there from worsening even more.

We, therefore, strongly urge you to appoint a special envoy to help negotiate a settlement of the Kosovo crisis.

Thank you for your immediate attention to this matter.

Sincerely,

Members of Congress Eliot L. Engel, Tom Lantos, Susan Molinari, John E. Porter, Sander M. Levin, Eva M. Clayton, Sue Kelly, James P. Moran, David E. Bonior, Peter T. King, Martin R. Hoke, Nita M. Lowey, Donald M. Payne, George Miller, Edolphus Towns, Jose E. Serrano, Robert G. Torricelli, Dana Rohrabacher, John W. Oliver, Charles E. Schumer.

[From the Washington Post, July 21, 1996]

**KOSOVO'S ALBANIANS LOOK TO U.S. FOR HELP
AMERICAN OFFICE OPENED IN SERB-RULED
REGION**

(By Michael Dobbs)

PRISTINA, YUGOSLAVIA.—Ibrahim Rugova, an ethnic Albanian, says he is the duly elected president of Kosovo—even though it is a Serbian province whose official leaders are appointed by authorities in Belgrade. Nonetheless, insists Aleksa Jokic, a Serb, who recently was appointed governor of Kosovo—even though its population is overwhelmingly Albanian.

Today, the two men stood on either side of a U.S. congressman from the Bronx, as the Stars and Stripes rose over the new U.S. information center here in Kosovo's capital. Rugova was smiling. Jokic grimaced as a crowd of a hundred or so Albanians changed "Free Kosovo," "Rugova" and "USA, USA." The two rivals shook hands gingerly but did not exchange a word.

"This is diplomacy at its best," murmured Larry Butler, charge d'affairs of the U.S. Embassy in Belgrade, after declaring the first representative office of a foreign power in Pristina open for business. "You can't imagine how awkward this occasion is for some people here."

The scene outside the U.S. information center in this sprawling, dirt-poor town illustrated the complexities of politics in this part of the world and the influence the United States is capable of wielding, when it chooses to do so. Along with Bosnia and Macedonia, Kosovo is one of those proverbial Balkan tinderboxes that only attract the world's attention when there is an almighty explosion. Ninety percent of Kosovo's 2 million people are Albanian. Historically and culturally, however, the region is the cradle of Serbdom.

It was here, in the year 1389, that Serbia's most potent historical image was born, when the Serb Prince Lazar was slain by his Turkish enemies on the Field of Blackbirds, just outside Pristina. For the next 600 years, including more than four centuries of Ottoman rule, Serb children were brought up to avenge Lazar's defeat.

Accordingly, it was here too that Serbian President Slobodan Milosevic began his ascent to power in 1986, when he unleashed the demons of nationalism by promising to defend the rights of the beleaguered Serb minority in Kosovo. In fact, human rights monitors say it is the minority that is oppressing

the majority. Over the past five years, more than 125,000 ethnic Albanians have been dismissed from their jobs and deprived of access to state-run health services. Many factories have closed, and there is virtually no investment. Western aid workers in Pristina say Albanians are frightened to open businesses of any significant size, because they fear expropriation by the Serbian authorities.

Kosovo's predominantly Muslim Albanians dream of the day when they will shake off Serbian rule and unite with Albania. In the meantime, their leaders have embarked on a policy of total noncooperation with Belgrade. They boycott Serb-run elections, organize their own schools, universities and medical services, and publish their own newspapers. Rugova heads a shadow government that boasts its own parliament and taxation service.

Key to Rugova's strategy of nonviolent civil disobedience is the support of the outside world. When West European governments extended full diplomatic recognition earlier this year to Yugoslavia—of which Serbia is the dominant republic—many Kosovo Albanians felt abandoned. The United States is the only major country that still refuses to send an ambassador to Belgrade, as long as human rights abuses continue in Kosovo.

The Kosovo cause has been kept alive in Washington by a small group of congressmen led by Rep. Eliot L. Engel (D-N.Y.), whose constituents include 20,000 ethnic Albanians living in the Bronx. Engel, who was on hand for today's ceremonies in Pristina, will sponsor a resolution in the House of Representatives next week urging the Clinton administration to appoint a special envoy to Kosovo to negotiate a settlement between the rival sides.

"Human rights violations here are getting worse, not better," said Engel, citing a series of recent arbitrary police beatings and continuing dismissals of Albanian workers. He said that the opening of the U.S. information office, for which he lobbied hard, would send a message both to Milosevic and to the Albanians that the United States had "not forgotten Kosovo." The two-story center contains reference materials and computer terminals that visitors can use to view CD-ROMs.

Despite a generally tense atmosphere in Pristina and other Albanian towns, the Serb police presence on the streets is significantly less onerous than it was several years ago. The Clinton administration, like the Bush administration before it, has privately warned Milosevic that it will react forcefully to any attempt by Yugoslavia to resolve the Kosovo problem through "ethnic cleansing," the forced expulsion of non-Serbs. The result is a political standoff, in which Serbs and Albanians are having little to do with each other.

At a meeting with Engel, Jokic brushed aside allegations of human rights abuses and complained of a series of "terrorist acts" by Albanians against the Serb police. He said that over the last few months five Serb policemen have been killed and two injured in Albanian attacks. He also criticized the Albanians for refusing to take part in Serbian elections, saying that they were depriving themselves of the ability to influence the result.

The United States, along with several European countries, has linked relaxation of sanctions still being imposed against Yugoslavia to a "significant improvement" in the human rights situation in Kosovo. This "outer wall" of sanctions includes member-

ship of international financial institutions and access to international credits. But there is disagreement over precisely what is required of Yugoslavia. Engel argues that the Serbs would have to offer the Kosovo Albanians the right of self-determination. The State Department has suggested that it would be satisfied with some kind of autonomy for Kosovo.

In their isolation, many Albanians have come to look upon the United States as a mythic great power that will come to their aid. Rugova described the U.S. information center as "a direct link with the United States"—U.S. diplomats point out that it is actually only an adjunct of the embassy in Belgrade—and said that today was "a historic day for Kosovo." Albanian-language newspapers rarely mention that Washington does not recognize Rugova as president of Kosovo and is opposed to the region's secession from Yugoslavia.

"The Albanians think that America is their only hope for getting a republic, for getting independence," said Lisa Adams, an American physician who has spent the past two years in Kosovo running a medical assistance program. "People want to see this information center as a mini-embassy."

Jokic, the Serb provincial governor, sees things very differently. He blames the West for Kosovo's economic plight, arguing that sanctions have deprived the region of investment. As for the chants of "Free Kosovo," he shrugged his shoulders. "Kosovo is already free," he said. "They are saying what already exists."

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank and congratulate my colleague, the gentleman from New York [Mr. ENGEL], for the leadership that he has shown on this issue. It has been extraordinarily important. He approaches these issues related to Albania, the former Yugoslavia Republic of Macedonia, and Kosovo in a very responsible and enlightened fashion.

I regret the fact he has left the Committee on International Relations for other responsibilities in the Congress, but we will continue to seek and receive, with gratitude, his outstanding efforts in advising us on this troubled part of the world.

I think that the relationships between the country of Albania, the former Yugoslavia Republic of Macedonia and Kosovo are very much related in the southern Balkan region. The relationships between Albania and the United States are improving rather dramatically. I think we now have that opportunity with the former Yugoslavia Republic of Macedonia.

Now we have to focus once more and indeed with additional emphasis, I think, on the abuses that exist toward the Albanian majority in Kosovo. Former Members of Congress and Members of Congress have to approach this issue in a very responsible fashion. We have unfortunately, the opportunity also not to do just good and to do what is important in our national interest, but to do things which are provocative and unfortunate.

The gentleman from New York leads the way in an enlightened responsible approach toward our relationship to Serbia with respect to Kosova and the Albanian majority that exists there. What we do in this Congress and what we do outside of this Congress is very important in restoring stability in that part of the world, and that is very crucial, or we may find that we have a deep problem within the NATO alliance.

So I commend once more my colleague for his leadership and look forward to additional examples of it in this and other areas.

Mr. GILMAN. This concurrent resolution of the House concerns the deplorable human rights situation in Kosova, a formerly autonomous republic of the former Yugoslavia. Its autonomous status under the consideration of the former Yugoslavia was revoked by Serbian President Milosevic in 1989, and many cite this action by Serbia as the beginning of the conflict which was to consume most of the former Yugoslavia in the years 1991-95. I commend the gentleman from New York [Mr. ENGEL] for introducing this resolution, and I am proud to be listed as a cosponsor.

Many in the Congress, myself included, feel that it was a mistake to lift the sanctions against Serbia without linking this action with the situation in Kosova. The prospect for peace in Bosnia has raised hopes all over the region.

However, the people in Kosova do not feel that hope. For them the lesson of Bosnia is that violence is a way to win concessions from the international community. They see the Serbs in Bosnia rewarded for their aggression by the creation of the so-called Republic of Srpska. What is the international community to say to the long-suffering people of Kosova who have seen their autonomy trampled upon by the Serbian authorities, the loss of their civic institutions and the denial of their most basic rights?

Earlier this month the United States Information Agency opened an office in Pristina, Kosova. This will allow for a permanent American presence in the Republic to monitor human rights and the overall situation. As with USIA offices in other parts of the world that have been deprived of fundamental freedoms, this office will also provide a window to a better and fairer system.

The Congress included authorization to open this office in the State Department's fiscal year 1994 and 1996-97 authorization bills adopted by this House. While I commend the administration for finally acting on this expression of congressional intent, it should note the Congress' strong opposition to a further easing of sanctions on Serbia until the situation in Kosova is addressed and resolved.

This resolution will send a message of hope to the people of Kosova, and a message to Serbia that the Congress is keeping the issue of Kosova under review. I also hope that it will serve to strengthen the administration's commitment to improving the human rights situation in Kosova. I urge all of my colleagues to join in adopting House Concurrent Resolution 155.

Mr. LEVIN. Mr. Speaker, I rise today as one of the original sponsors of this resolution to

voice my strong support for House Concurrent Resolution 155 which expresses the sense of Congress on the situation in Kosova.

In 1989, Belgrade unilaterally revoked the autonomous status of Kosova. Albanians in Kosova, who make up over 90 percent of the population, subsequently voted for Kosovar independence in 1991. Since that time, Serb security officials have waged a campaign of repression that has included widespread torture, beatings, killings, and harassment of Albanians throughout Kosova. Over half of the more than 250,000 Albanians in the work force have been fired from their jobs and even more have fled the region rather than face certain persecution.

While the administration has taken an active role, including opening of USIA office in Pristina, more needs to be done. The administration needs to appoint a special envoy to Kosova to help resolve the crisis. Furthermore, the United States along with our European allies must condition the lifting of sanctions against Serbia with clear and concrete progress on the matter of Kosova.

By appointing a full time envoy and linking the lifting of sanctions on Serbia with the restoration of the full spectrum of human and political rights to the people of Kosova, the United States can help to broker a peaceful and lasting resolution to the matter. To not to do so, would be to invite the situation to escalate into a new, even wider conflict in the Balkans. Thereby ending our best chance for peace in the Balkan region.

The resolution presents an effective policy for accomplishing these goals. I urge my colleagues to vote "yes" on the resolution and send a clear statement in support of the rights of the people of Kosova.

Mr. PORTER. Mr. Speaker, as an original cosponsor of House Concurrent Resolution 155, I rise today to strongly urge its immediate passage.

Kosovo, known as Kosova to ethnic Albanians, is the region in southern Serbia which has been the focal point of bitter struggles between Serbs and Albanians for centuries. Albanians make up over 90 percent of the current population of the area. In 1989 and 1990, the Serbian parliament passed amendments to the Serbian Constitution that eliminated the wide-ranging autonomy Kosova had enjoyed under the 1974 Constitution. As a result, turmoil erupted in the country and dozens of innocent lives were lost in violent protests and riots. Over 100,000 ethnic Albanians have been fired from their employment and replaced by Serbs. Hundreds of ethnic Albanians have been arrested and beaten by Serbian police for allegedly engaging in nationalist activities. According to the State Department Country Reports on Human Rights for 1995, "police repression continued at a high level against the ethnic Albanians of Kosova * * * and reflected a general campaign to keep [those] who are not ethnic Serbs intimidated and unable to exercise basic human and civil rights."

Mr. Speaker, we are still trying to cope with the unconscionable acts that occurred in Bosnia. I doubt that the men, women, and children, who were forced to live their lives for over 3 years under the constant stress of this violent conflict will ever fully recover from the

terrifying experience. Many experts warn that Kosova could become the next major battleground in the former Yugoslavia, possibly drawing neighboring countries into a regional war, presenting a very real danger to regional stability. Mr. Speaker, we must do everything possible to prevent this tragedy from occurring.

This resolution aims to bring peace and stability to Kosova by insisting that the situation in Kosova must be resolved before the outer wall of sanctions against Serbia is lifted and that country is able to return to the international community. Furthermore, this resolution insists that the human rights of the people of Kosova must be restored to levels guaranteed by international law.

Just this past month, we witnessed what I believe is a positive sign that peace and prosperity lie ahead for the people of Kosova. After much urging, the United States Information Agency finally opened an office in Kosova. This is a very encouraging step, and I hope that the State Department continues to make Kosova a priority by appointing a special envoy to aid in negotiating a resolution to the crisis in Kosova.

I thank my colleague Mr. ENGEL for bringing the situation in Kosova to the attention of Congress, and I strongly urge my colleagues to support the passage of this resolution which will help to bring resolution of the crisis in Kosova.

Mr. BONIOR. Mr. Speaker, I am proud to rise in support of this resolution recognizing the rights of the people of Kosova.

We all heard about the ethnic cleansing, the human rights abuses, and the violence in Bosnia over the past 5 years. The images on television and the horrific stories written in our papers led many of us to say, "Stop the killing!"

Now there is a peace agreement in place, and we are working with others in the international community to restore the faith and trust of the Bosnian people in each other, in their leaders, and in their communities. But what many people may still not know is that there is another troubled region in the former Yugoslavia. It is a place called Kosova. And until the situation in Kosova improves, we will never have a lasting peace in the Balkans.

Mr. Speaker, America can't turn its back on the people of Kosova any longer. The people of Kosova have witnessed human rights abuses by Serbian authorities. They have been the victims of a systematic attempt to shut down their culture and their economy. But the people of Kosova are standing strong today—and we must stand with them. We should not lift the remaining sanctions against Serbia until the situation in Kosova improves.

Mr. Speaker, that is what this resolution calls for. It also calls on Serbia to restore human rights in Kosova, to allow the elected Government of Kosova to meet, to allow people who lost their jobs to be reinstated and to reopen the education system. Above all, it states that the free will of the people of Kosova must be respected.

Mr. Speaker, passing this resolution will put Congress on record as supporting the rights of the people of Kosova.

America is the strongest democracy in the world.

We have an obligation to stand up for human rights. We can do that by passing this

resolution in support of the rights of the people of Kosovo.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 155, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 155.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1545

ANNUAL REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. CALVERT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 30th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 29, 1996.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CAMPAIGN COMMERCIALS DECEIVE SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, a few years ago I served in the North Carolina Gen-

eral Assembly and as a member of the assembly I had a very deep concern about political ads, and in particular those ads that were intentionally developed to mislead and to distort factual information.

My concern was that for a democracy to remain strong, we have to have informed voters and the people have to know the facts, and the facts from the fictions, from the distortions.

Mr. Speaker, I have really been upset in the last few months and concerned that the labor unions throughout our country have been running ads about Medicare cuts and in my opinion outright distortions intentionally done to fool and to scare the voters. I think that is a tragedy for any democracy, because the strength of a democracy is informed voters and people that participate in the system.

Mr. Speaker, as it has happened over the past few months, many of my freshmen Republican colleagues have been the target of those half-truths and distortions. In the State of North Carolina, my home State, two of my very good friends, Congressman FRED HEINEMAN and Congressman DAVID FUNDERBURK have been targets, just like other members of the freshman class, of these distortions and half-truths.

Mr. Speaker, I thought it would be good today if I could read an editorial from my district, I thought, to even make better points than I could make here on the floor today about how these distortions and outright lies have fooled so many of our senior citizens.

I do not think there is any group in America that I feel more concerned about that would be misled intentionally than the senior citizens. And when I know that an organization like the labor unions have done this intentionally to scare them from voting for my colleagues it is something that we all should be concerned about, no matter what side of the aisle we may be on.

With that, Mr. Speaker, I am going to read for you the editorial that I made reference to. It was Thursday, July 25, 1996. The Goldsboro News-Argus, and the title of the editorial is, "Don't Be Fooled: Campaign Commercials on GOP Medicare Cuts are a Lie." Mr. Speaker, now I will read the editorial:

People in public office should be accountable for their conduct. At campaign time, it is appropriate for opponents to focus on incumbents' voting records they feel might be contrary to the public interest.

Hence, the AFL-CIO sponsored TV commercials calling attention to the voting records of Republican Congressmen Fred Heineman and David Funderburk on Medicare would seem fair enough.

But they aren't fair at all. They are predicated on an outright lie—and the campaign to re-elect Bill Clinton is using the same twist of the facts.

The presidential campaign ads claim Bob Dole and Newt Gingrich are trying to end Medicare.

The AFL-CIO ads targeting Heineman and Funderburk pointedly accuse the two of voting "to cut Medicare by \$270 billion" a year.

The truth of the matter is that Heineman and Funderburk, like their fellow Republicans, voted to increase Medicare appropriations by 7 percent.

How was the AFL-CIO able to twist that into a Medicare cut of \$270 billion?

It's done the same way the Democratic Party has been trying to scare the daylight out of the elderly and the poor all along.

While Republicans in Congress have been working—in response to a mandate from their electorate—to get control of runaway federal spending, Democrats, typically, have been loathe to do so. Democrats, and President Clinton, wanted a 10 percent increase in allocations for Medicare—more than double the annual overall rate of inflation.

Republicans insisted on limiting the increase to 7 percent—not cutting the appropriation.

While it can be argued that medical costs are outstripping the overall inflation rate—as they have done consistently—one possible way of bringing this in check might be to put some sort of restraints on growth of Medicare costs.

I won't be done by having the government continue to fuel runaway escalation of medical costs.

All members of Congress should be answerable to the electorate for their voting records. But the people of this country should resent and reject political advertisements based on lies.

Let me repeat that again. That "the people of this country should resent and reject political advertisements based on lies."

Mr. Speaker, that is my purpose of coming to the floor today. I think the strength of a democracy, again as I said earlier, depends on the information that is provided the voters and I hope that both sides of the fence will try to deal with the facts and not fiction and lies.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. ENGEL) to revise and extend her remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day on July 30 and 31 and August 1 and 2.

Mr. STEARNS, for 5 minutes on July 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. ENGEL and to include extraneous material:)

Mrs. KENNELLY.

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. BURTON of Indiana in two instances.

Mr. CRANE.

Mr. MILLER of Florida.

Mr. BAKER of California.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 25, 1996:

H.R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

On July 26, 1996:

H.R. 1114. An act to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards.

ADJOURNMENT

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 30, 1996, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4414. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Petroleum Products from Caribbean Basin Countries [DFARS Case 96-D312] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4415. A letter from the Secretary of Energy, transmitting Uranium Enrichment Decontamination and Decommissioning Fund Triennial Report, pursuant to Public Law 102-486, section 1101 (106 Stat. 2955); to the Committee on Commerce.

4416. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval of Operating Permits Program: The U.S. Virgin Islands [VI001; FRL-5544-8] received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4417. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Di-(2-

ethylhexyl) Adipate; Toxic Chemical Release Reporting; Community Right-to-Know [OPPTS-400095A; FRL-5389-6] received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4418. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cypermethrin; Pesticide Tolerance [PP 4F4291/R2265; FRL-5387-5] (RIN: 2070-AB78) received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4419. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96-46), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4420. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 96-65), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4421. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Travel Regulation; Maximum Per Diem Rates for Kansas City, KS and Kansas City, MO [FTR Amendment 49] (RIN: 3090-AG07) received July 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4422. A letter from the Mayor of the District of Columbia, transmitting a request to waive the 30-day congressional review period for the District of Columbia legislation entitled "Tax Lien Assignment and Sale Amendment Act of 1996," pursuant to Public Law 93-198 section 602(c)(1); to the Committee on Government Reform and Oversight.

4423. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Fishery Closure and Reallocation (50 CFR Part 285) received July 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4424. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Angling Category [Docket No. 960416112-6164-02; ID 071996B] (RIN: 0648-AI29) received July 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4425. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Commerce in Explosives; Implementation of Provisions of Public Law 104-132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to Plastic Explosives [T.D. ATF-382; 95R-0360] (RIN: 1512-AB61) received July 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4426. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide benefits for certain children of Vietnam veterans who are born with spina bifida; to the Committee on Veterans' Affairs.

4427. A letter from the Secretary of Energy, transmitting a draft of proposed legis-

lation to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program; jointly, to the Committees on Commerce and Science.

4428. A letter from the Comptroller General of the United States, transmitting a report entitled, "Financial Audit: Resolution Trust Corporation's 1995 and 1994 Financial Statements" (GAO/AIMD-96-123), July 1996, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Reform and Oversight and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 3846. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance for microenterprises, and for other purposes (Rept. 104-715). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2292. A bill to preserve and protect the Hanford Reach of the Columbia River, and for other purposes; with an amendment (Rept. 104-716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3487. A bill to reauthorize the National Marine Sanctuaries Act, and for other purposes; with an amendment (Rept. 104-717). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 3815. A bill to make technical corrections and miscellaneous amendments to trade laws; with an amendment (Rept. 104-718). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 3539. Referral to the Committee on Ways and Means extended for a period ending not later than July 30, 1996.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana:

H.R. 3913. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Western Atlantic*; to the Committee on Transportation and Infrastructure.

H.R. 3914. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Beacon*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 294: Mr. MORAN.
H.R. 863: Mr. MASCARA.
H.R. 1100: Mrs. SCHROEDER.
H.R. 2011: Mr. DAVIS, Mr. TIAHRT, Mr. MINGE, Mr. MOAKLEY, Mr. BROWDER, Mr. FARR, and Mr. SCOTT.
H.R. 2247: Mr. COSTELLO and Mr. KLINK.
H.R. 2654: Mr. BLUMENAUER.
H.R. 2748: Mr. PORTER.
H.R. 2777: Mrs. LOWEY.
H.R. 3119: Mr. ACKERMAN.
H.R. 3199: Mr. CRANE, Mr. BONILLA, and Mr. LONGLEY.
H.R. 3224: Mr. STEARNS.
H.R. 3303: Mrs. LOWEY.
H.R. 3401: Mr. BROWN of California, Ms. PELOSI, Mr. STARK, and Mrs. MINK of Hawaii.
H.R. 3456: Mr. FROST.
H.R. 3462: Mr. VENTO.
H.R. 3565: Mr. KING.
H.R. 3714: Mr. NEY and Mr. BUNNING of Kentucky.
H.R. 3735: Mr. FATTAH.
H.R. 3818: Mr. BUNNING of Kentucky.
H.R. 3867: Mr. CRAPO.
H. Con. Res. 63: Mr. QUILLEN.
H. Con. Res. 179: Mr. BARTON of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3592

OFFERED BY: MR. SHUSTER

(Amendment in the nature of a substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small flood control projects.
Sec. 103. Small bank stabilization projects.
Sec. 104. Small navigation projects.
Sec. 105. Small shoreline protection projects.
Sec. 106. Small snagging and sediment removal project, Mississippi River, Little Falls, Minnesota.
Sec. 107. Small projects for improvement of the environment.
Sec. 108. Project to mitigate shore damage.

TITLE II—GENERALLY APPLICABLE PROVISIONS

Sec. 201. Cost sharing for dredged material disposal areas.
Sec. 202. Flood control policy.
Sec. 203. Feasibility study cost-sharing.
Sec. 204. Restoration of environmental quality.
Sec. 205. Environmental dredging.
Sec. 206. Aquatic ecosystem restoration.
Sec. 207. Beneficial uses of dredged material.
Sec. 208. Recreation policy and user fees.
Sec. 209. Recovery of costs.
Sec. 210. Cost sharing of environmental projects.
Sec. 211. Construction of flood control projects by non-Federal interests.

Sec. 212. Engineering and environmental innovations of national significance.

Sec. 213. Lease authority.

Sec. 214. Collaborative research and development.

Sec. 215. Dam safety program.

Sec. 216. Maintenance, rehabilitation, and modernization of facilities.

Sec. 217. Long-term sediment management strategies.

Sec. 218. Dredged material disposal facility partnerships.

Sec. 219. Obstruction removal requirement.

Sec. 220. Small project authorizations.

Sec. 221. Uneconomical cost-sharing requirements.

Sec. 222. Planning assistance to States.

Sec. 223. Corps of Engineers expenses.

Sec. 224. State and Federal agency review period.

Sec. 225. Limitation on reimbursement of non-Federal costs per project.

Sec. 226. Aquatic plant control.

Sec. 227. Sediments decontamination technology.

Sec. 228. Shore protection.

Sec. 229. Project deauthorizations.

Sec. 230. Support of Army Civil Works Program.

Sec. 231. Benefits to navigation.

Sec. 232. Loss of life prevention.

Sec. 233. Scenic and aesthetic considerations.

Sec. 234. Removal of study prohibitions.

Sec. 235. Sense of Congress; requirement regarding notice.

Sec. 236. Reservoir Management Technical Advisory Committee.

Sec. 237. Technical corrections.

TITLE III—PROJECT MODIFICATIONS

Sec. 301. Mobile Harbor, Alabama.

Sec. 302. Alamo Dam, Arizona.

Sec. 303. Nogales Wash and Tributaries, Arizona.

Sec. 304. Phoenix, Arizona.

Sec. 305. San Francisco River at Clifton, Arizona.

Sec. 306. Channel Islands Harbor, California.

Sec. 307. Glenn-Colusa, California.

Sec. 308. Los Angeles and Long Beach Harbors, San Pedro Bay, California.

Sec. 309. Oakland Harbor, California.

Sec. 310. Queensway Bay, California.

Sec. 311. San Luis Rey, California.

Sec. 312. Thames River, Connecticut.

Sec. 313. Potomac River, Washington, District Of Columbia.

Sec. 314. Canaveral Harbor, Florida.

Sec. 315. Captiva Island, Florida.

Sec. 316. Central and southern Florida, Canal 51.

Sec. 317. Central and southern Florida, Canal 111 (C-111).

Sec. 318. Jacksonville Harbor (Mill Cove), Florida.

Sec. 319. Panama City Beaches, Florida.

Sec. 320. Tybee Island, Georgia.

Sec. 321. White River, Indiana.

Sec. 322. Chicago, Illinois.

Sec. 323. Chicago Lock and Thomas J. O'Brien Lock, Illinois.

Sec. 324. Kaskaskia River, Illinois.

Sec. 325. Locks and Dam 26, Alton, Illinois and Missouri.

Sec. 326. North Branch of Chicago River, Illinois.

Sec. 327. Illinois and Michigan Canal.

Sec. 328. Halstead, Kansas.

Sec. 329. Levisa and Tug Forks of the Big Sandy River and Cumberland River, Kentucky, West Virginia, and Virginia.

Sec. 330. Prestonburg, Kentucky.

Sec. 331. Comite River, Louisiana.

Sec. 332. Grand Isle and vicinity, Louisiana.

Sec. 333. Lake Pontchartrain, Louisiana.

Sec. 334. Mississippi Delta Region, Louisiana.

Sec. 335. Mississippi River Outlets, Venice, Louisiana.

Sec. 336. Red River Waterway, Louisiana.

Sec. 337. Westwego to Harvey Canal, Louisiana.

Sec. 338. Tolchester Channel, Maryland.

Sec. 339. Saginaw River, Michigan.

Sec. 340. Sault Sainte Marie, Chippewa County, Michigan.

Sec. 341. Stillwater, Minnesota.

Sec. 342. Cape Girardeau, Missouri.

Sec. 343. New Madrid Harbor, Missouri.

Sec. 344. St. John's Bayou—New Madrid Floodway, Missouri.

Sec. 345. Joseph G. Minish Passaic River Park, New Jersey.

Sec. 346. Molly Ann's Brook, New Jersey.

Sec. 347. Passaic River, New Jersey.

Sec. 348. Ramapo River at Oakland, New Jersey and New York.

Sec. 349. Raritan Bay and Sandy Hook Bay, New Jersey.

Sec. 350. Arthur Kill, New York and New Jersey.

Sec. 351. Jones Inlet, New York.

Sec. 352. Kill Van Kull, New York and New Jersey.

Sec. 353. Wilmington Harbor-Northeast Cape Fear River, North Carolina.

Sec. 354. Garrison Dam, North Dakota.

Sec. 355. Reno Beach-Howards Farm, Ohio.

Sec. 356. Wister Lake, Oklahoma.

Sec. 357. Bonneville Lock and Dam, Columbia River, Oregon and Washington.

Sec. 358. Columbia River dredging, Oregon and Washington.

Sec. 359. Grays Landing Lock and Dam, Monongahela River, Pennsylvania.

Sec. 360. Lackawanna River at Scranton, Pennsylvania.

Sec. 361. Mussers Dam, Middle Creek, Snyder County, Pennsylvania.

Sec. 362. Saw Mill Run, Pennsylvania.

Sec. 363. Schuylkill River, Pennsylvania.

Sec. 364. South Central Pennsylvania.

Sec. 365. Wyoming Valley, Pennsylvania.

Sec. 366. San Juan Harbor, Puerto Rico.

Sec. 367. Narragansett, Rhode Island.

Sec. 368. Charleston Harbor, South Carolina.

Sec. 369. Dallas Floodway Extension, Dallas, Texas.

Sec. 370. Upper Jordan River, Utah.

Sec. 371. Haysi Lake, Virginia.

Sec. 372. Rudee Inlet, Virginia Beach, Virginia.

Sec. 373. Virginia Beach, Virginia.

Sec. 374. East Waterway, Washington.

Sec. 375. Bluestone Lake, West Virginia.

Sec. 376. Moorefield, West Virginia.

Sec. 377. Southern West Virginia.

Sec. 378. West Virginia trail head facilities.

Sec. 379. Kickapoo River, Wisconsin.

Sec. 380. Teton County, Wyoming.

TITLE IV—STUDIES

Sec. 401. Corps capability study, Alaska.

Sec. 402. McDowell Mountain, Arizona.

Sec. 403. Nogales Wash and Tributaries, Arizona.

Sec. 404. Garden Grove, California.

Sec. 405. Mugu Lagoon, California.

Sec. 406. Santa Ynez, California.

Sec. 407. Southern California infrastructure.

Sec. 408. Yolo Bypass, Sacramento-San Joaquin Delta, California.

Sec. 409. Chain of Rocks Canal, Illinois.

Sec. 410. Quincy, Illinois.

Sec. 411. Springfield, Illinois.
 Sec. 412. Beauty Creek Watershed, Valparaiso City, Porter County, Indiana.
 Sec. 413. Grand Calumet River, Hammond, Indiana.
 Sec. 414. Indiana Harbor Canal, East Chicago, Lake County, Indiana.
 Sec. 415. Koontz Lake, Indiana.
 Sec. 416. Little Calumet River, Indiana.
 Sec. 417. Tippecanoe River Watershed, Indiana.
 Sec. 418. Calcasieu Ship Channel, Hackberry, Louisiana.
 Sec. 419. Huron River, Michigan.
 Sec. 420. Saco River, New Hampshire.
 Sec. 421. Buffalo River Greenway, New York.
 Sec. 422. Port of Newburgh, New York.
 Sec. 423. Port of New York-New Jersey sediment study.
 Sec. 424. Port of New York-New Jersey navigation study.
 Sec. 425. Chagrin River, Ohio.
 Sec. 426. Cuyahoga River, Ohio.
 Sec. 427. Charleston, South Carolina, estuary.
 Sec. 428. Mustang Island, Corpus Christi, Texas.
 Sec. 429. Prince William County, Virginia.
 Sec. 430. Pacific region.
 Sec. 431. Financing of infrastructure needs of small and medium ports.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Project deauthorizations.
 Sec. 502. Project reauthorizations.
 Sec. 503. Continuation of authorization of certain projects.
 Sec. 504. Land conveyances.
 Sec. 505. Namings.
 Sec. 506. Watershed management, restoration, and development.
 Sec. 507. Lakes program.
 Sec. 508. Maintenance of navigation channels.
 Sec. 509. Great Lakes remedial action plans and sediment remediation.
 Sec. 510. Great Lakes dredged material testing and evaluation manual.
 Sec. 511. Great Lakes sediment reduction.
 Sec. 512. Great Lakes confined disposal facilities.
 Sec. 513. Chesapeake Bay restoration and protection program.
 Sec. 514. Extension of jurisdiction of Mississippi River Commission.
 Sec. 515. Alternative to annual passes.
 Sec. 516. Recreation partnership initiative.
 Sec. 517. Environmental infrastructure.
 Sec. 518. Corps capability to conserve fish and wildlife.
 Sec. 519. Periodic beach nourishment.
 Sec. 520. Control of aquatic plants.
 Sec. 521. Hopper dredges.
 Sec. 522. Design and construction assistance.
 Sec. 523. Field office headquarters facilities.
 Sec. 524. Corps of Engineers restructuring plan.
 Sec. 525. Lake Superior Center.
 Sec. 526. Jackson County, Alabama.
 Sec. 527. Earthquake Preparedness Center of Expertise Extension.
 Sec. 528. Quarantine facility.
 Sec. 529. Benton and Washington Counties, Arkansas.
 Sec. 530. Calaveras County, California.
 Sec. 531. Farmington Dam, California.
 Sec. 532. Prado Dam safety improvements, California.
 Sec. 533. Los Angeles County Drainage Area, California.
 Sec. 534. Seven Oaks Dam, California.
 Sec. 535. Manatee County, Florida.
 Sec. 536. Tampa, Florida.
 Sec. 537. Watershed management plan for Deep River Basin, Indiana.

Sec. 538. Southern and eastern Kentucky.
 Sec. 539. Louisiana coastal wetlands restoration projects.
 Sec. 540. Southeast Louisiana.
 Sec. 541. Restoration projects for Maryland, Pennsylvania, and West Virginia.
 Sec. 542. Cumberland, Maryland.
 Sec. 543. Beneficial use of dredged material, Poplar Island, Maryland.
 Sec. 544. Erosion control measures, Smith Island, Maryland.
 Sec. 545. Duluth, Minnesota, alternative technology project.
 Sec. 546. Redwood River Basin, Minnesota.
 Sec. 547. Natchez Bluffs, Mississippi.
 Sec. 548. Sardis Lake, Mississippi.
 Sec. 549. Missouri River management.
 Sec. 550. St. Charles County, Missouri, flood protection.
 Sec. 551. Durham, New Hampshire.
 Sec. 552. Hackensack Meadowlands area, New Jersey.
 Sec. 553. Authorization of dredge material containment facility for Port of New York/New Jersey.
 Sec. 554. Hudson River habitat restoration, New York.
 Sec. 555. Queens County, New York.
 Sec. 556. New York Bight and Harbor study.
 Sec. 557. New York State Canal System.
 Sec. 558. New York City Watershed.
 Sec. 559. Ohio River Greenway.
 Sec. 560. Northeastern Ohio.
 Sec. 561. Grand Lake, Oklahoma.
 Sec. 562. Broad Top region of Pennsylvania.
 Sec. 563. Curwensville Lake, Pennsylvania.
 Sec. 564. Hopper Dredge McFarland.
 Sec. 565. Philadelphia, Pennsylvania.
 Sec. 566. Upper Susquehanna River Basin, Pennsylvania and New York.
 Sec. 567. Seven Points Visitors Center, Raystown Lake, Pennsylvania.
 Sec. 568. Southeastern Pennsylvania.
 Sec. 569. Wills Creek, Hyndman, Pennsylvania.
 Sec. 570. Blackstone River Valley, Rhode Island and Massachusetts.
 Sec. 571. East Ridge, Tennessee.
 Sec. 572. Murfreesboro, Tennessee.
 Sec. 573. Buffalo Bayou, Texas.
 Sec. 574. Harris County, Texas.
 Sec. 575. San Antonio River, Texas.
 Sec. 576. Neabasco Creek, Virginia.
 Sec. 577. Tangier Island, Virginia.
 Sec. 578. Pierce County, Washington.
 Sec. 579. Washington Aqueduct.
 Sec. 580. Greenbrier River Basin, West Virginia, flood protection.
 Sec. 581. Huntington, West Virginia.
 Sec. 582. Lower Mud River, Milton, West Virginia.
 Sec. 583. West Virginia and Pennsylvania flood control.
 Sec. 584. Evaluation of beach material.
 Sec. 585. National Center for Nanofabrication and Molecular Self-Assembly.
 Sec. 586. Sense of Congress regarding St. Lawrence Seaway tolls.
 Sec. 587. Prado Dam, California.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

SEC. 2. DEFINITION.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as provided in this section, the following projects for water resources development and conservation and other purposes are au-

thorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of \$57,300,000, with an estimated Federal cost of \$42,975,000 and an estimated non-Federal cost of \$14,325,000, consisting of the following:

(i) Approximately 24 miles of slurry wall in the existing levees along the lower American River.

(ii) Approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal.

(iii) 3 telemeter streamflow gages upstream from the Folsom Reservoir.

(iv) Modifications to the existing flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal sponsor shall receive credit toward the non-Federal share of the cost of the project for expenses that the sponsor has incurred for design and construction of any of the features authorized pursuant to this paragraph prior to the date on which Federal funds are appropriated for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) OPERATION OF FOLSOM DAM.—The Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity as an interim measure and extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency until such date as a comprehensive flood control plan for the American River Watershed has been implemented.

(D) RESPONSIBILITY OF NON-FEDERAL SPONSOR.—The non-Federal sponsor shall be responsible for all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements undertaken pursuant to this paragraph, as well as for 25 percent of the costs for the variable flood control operation of the Folsom Dam and Reservoir (including any incremental power and water purchase costs incurred by the Western Area Power Administration or the Bureau of Reclamation and any direction, capital, and operation and maintenance costs borne by either of such agencies). Notwithstanding any contract or other agreement, the remaining 75 percent of the costs for the variable flood control operation of the Folsom Dam and Reservoir shall be the responsibility of the United States and shall be nonreimbursable.

(2) SAN LORENZO RIVER, SANTA CRUZ, CALIFORNIA.—The project for flood control, San Lorenzo River, Santa Cruz, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$21,800,000, with an estimated Federal cost of \$10,900,000 and an estimated non-Federal cost of \$10,900,000.

(3) SANTA BARBARA HARBOR, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of \$5,840,000, with an estimated Federal cost of \$4,670,000 and an estimated non-Federal cost of \$1,170,000.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for navigation and storm

damage reduction, Santa Monica Breakwater, Santa Monica, California: Report of the Chief of Engineers, dated June 7, 1996, at a total cost of \$6,440,000, with an estimated Federal cost of \$4,220,000 and an estimated non-Federal cost of \$2,220,000.

(5) MARIN COUNTY SHORELINE, SAN RAFAEL, CALIFORNIA.—The project for storm damage reduction, Marin County shoreline, San Rafael, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of \$28,300,000, with an estimated Federal cost of \$18,400,000 and an estimated non-Federal cost of \$9,900,000.

(6) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of \$15,180,000, with an estimated Federal cost of \$10,000,000 and an estimated non-Federal cost of \$5,180,000.

(7) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and Tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated November 15, 1994, at a total cost of \$17,144,000, with an estimated Federal cost of \$12,858,000 and an estimated non-Federal cost of \$4,286,000.

(8) ATLANTIC INTRACOASTAL WATERWAY, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Atlantic Intracoastal Waterway, St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of \$15,881,000. Operation, maintenance, repair, replacement, and rehabilitation shall be a non-Federal responsibility and the non-Federal interest must assume ownership of the bridge.

(9) LAKE MICHIGAN, ILLINOIS.—The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of \$204,000,000, with an estimated Federal cost of \$110,000,000 and an estimated non-Federal cost of \$94,000,000. The project shall include the breakwater near the South Water Filtration Plant described in the report as a separate element of the project, at a total cost of \$11,470,000, with an estimated Federal cost of \$7,460,000 and an estimated non-Federal cost of \$4,010,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs incurred by the non-Federal interest.

(A) in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, if such work is determined by the Secretary to be a component of the project; and

(B) in constructing the breakwater near the South Water Filtration Plant in Chicago, Illinois.

(10) KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KENTUCKY.—The project for navigation, Kentucky Lock and Dam, Tennessee River, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of \$393,200,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(11) POND CREEK, JEFFERSON COUNTY, KENTUCKY.—The project for flood control, Pond Creek, Jefferson County, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$16,080,000, with an estimated Federal cost of \$10,993,000 and an estimated non-Federal cost of \$5,087,000.

(12) WOLF CREEK DAM AND LAKE CUMBERLAND, KENTUCKY.—The project for hydro-

power, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$53,763,000, with an estimated non-Federal cost of \$53,763,000. Funds derived by the Tennessee Valley Authority from its power program and funds derived from any private or public entity designated by the Southeastern Power Administration may be used to pay all or part of the costs of the project.

(13) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA.—A project for navigation, Belle Pass and Bayou Lafourche, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of \$4,440,000, with an estimated Federal cost of \$2,300,000 and an estimated non-Federal cost of \$2,140,000.

(14) WEST BANK OF THE MISSISSIPPI RIVER, NEW ORLEANS (EAST OF HARVEY CANAL), LOUISIANA.—The project for hurricane damage reduction, West Bank of the Mississippi River in the vicinity of New Orleans (East of Harvey Canal), Louisiana: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of \$126,000,000, with an estimated Federal cost of \$82,200,000 and an estimated non-Federal cost of \$43,800,000.

(15) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of \$11,800,000, with an estimated Federal cost of \$6,040,000 and an estimated non-Federal cost of \$5,760,000.

(16) LAS CRUCES, NEW MEXICO.—The project for flood control, Las Cruces, New Mexico: Report of the Chief of Engineers, dated June 24, 1996, at a total cost of \$8,278,000, with an estimated Federal cost of \$5,494,000 and an estimated non-Federal cost of \$2,784,000.

(17) LONG BEACH ISLAND, NEW YORK.—The project for storm damage reduction, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of \$72,090,000, with an estimated Federal cost of \$46,858,000 and an estimated non-Federal cost of \$25,232,000.

(18) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear and Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$23,953,000, with an estimated Federal cost of \$15,032,000 and an estimated non-Federal cost of \$8,921,000.

(19) DUCK CREEK, CINCINNATI, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$15,947,000, with an estimated Federal cost of \$11,960,000 and an estimated non-Federal cost of \$3,987,000.

(20) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon: Report of the Chief of Engineers, dated February 1, 1996, at a total cost of \$38,000,000, with an estimated Federal cost of \$38,000,000.

(21) RIO GRANDE DE ARECIBO, PUERTO RICO.—The project for flood control, Rio Grande de Arecibo, Puerto Rico: Report of the Chief of Engineers, dated April 5, 1994, at a total cost of \$19,951,000, with an estimated Federal cost of \$10,557,000 and an estimated non-Federal cost of \$9,394,000.

(22) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor Deepening and Widening, South Carolina: Report of the Chief of Engineers, dated July 18, 1996, at a total cost of \$116,639,000, with an estimated Federal cost of \$72,798,000 and an estimated non-Federal cost of \$43,841,000.

(23) BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$34,600,000, with an estimated Federal cost of \$25,900,000 and an estimated non-Federal cost of \$8,700,000.

(24) WATERTOWN, SOUTH DAKOTA.—The project for flood control, Watertown and Vicinity, South Dakota: Report of the Chief of Engineers, dated August 31, 1994, at a total cost of \$18,000,000, with an estimated Federal cost of \$13,200,000 and an estimated non-Federal cost of \$4,800,000.

(25) GULF INTRACOASTAL WATERWAY, ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS.—The project for navigation and environmental preservation, Gulf Intracoastal Waterway, Aransas National Wildlife Refuge, Texas: Report of the Chief of Engineers, dated May 28, 1996, at a total cost of \$18,283,000, with an estimated Federal cost of \$18,283,000.

(26) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total initial construction cost of \$292,797,000, with an estimated Federal cost of \$210,891,000 and an estimated non-Federal cost of \$81,906,000. The project shall include deferred construction of additional environmental restoration features over the life of the project, at a total average annual cost of \$786,000, with an estimated Federal cost of \$590,000 and an estimated non-Federal cost of \$196,000. The construction of berthing areas and the removal of pipelines and other obstructions that are necessary for the project shall be accomplished at non-Federal expense. Non-Federal interests shall receive credit toward cash contributions required during construction and subsequent to construction for design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project.

(27) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$229,581,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. In conducting any real estate acquisition activities with respect to the project, the Secretary shall give priority consideration to those individuals who would be directly affected by any physical displacement due to project design and shall consider the financial circumstances of such individuals. The Secretary shall proceed with real estate acquisition in connection with the project expeditiously.

(b) PROJECTS WITH PENDING CHIEF'S REPORTS.—The following projects are authorized to be carried out by the Secretary substantially in accordance with a final report of the Chief of Engineers if such report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of \$10,365,000, with an estimated Federal cost of \$4,344,000 and an estimated non-Federal cost of \$6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of \$5,342,000, with an estimated Federal cost of \$4,006,000 and an estimated non-Federal cost of \$1,336,000.

(3) ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA.—The project for navigation, St.

Paul Harbor, St. Paul, Alaska, with an estimated total cost of \$18,981,000, with an estimated Federal cost of \$12,188,000 and an estimated non-Federal cost of \$6,793,000.

(4) NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.—A project for bluff stabilization, Norco Bluffs, Riverside County, California, with an estimated total cost of \$8,600,000, with an estimated Federal cost of \$6,450,000 and an estimated non-Federal cost of \$2,150,000.

(5) PORT OF LONG BEACH (DEEPENING), CALIFORNIA.—The project for navigation, Port of Long Beach (Deepening), California, at a total cost of \$37,288,000, with an estimated Federal cost of \$14,318,000 and an estimated non-Federal cost of \$22,970,000.

(6) TERMINUS DAM, KAWAHEH RIVER, CALIFORNIA.—The project for flood damage reduction and water supply, Terminus Dam, Kawaheh River, California, at a total estimated cost of \$34,500,000, with an estimated Federal cost of \$20,200,000 and an estimated non-Federal cost of \$14,300,000.

(7) REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.—A project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, at a total cost of \$9,423,000, with an estimated first Federal cost of \$6,125,000, and an estimated first non-Federal cost of \$3,298,000, and an average annual cost of \$282,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$183,000 and an estimated annual non-Federal cost of \$99,000.

(8) BREVARD COUNTY, FLORIDA.—The project for shoreline protection, Brevard County, Florida, at a total first cost of \$76,620,000, with an estimated first Federal cost of \$36,006,000, and an estimated first non-Federal cost of \$40,614,000, and an average annual cost of \$2,341,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,109,000 and an estimated annual non-Federal cost of \$1,232,000.

(9) MIAMI HARBOR CHANNEL, FLORIDA.—The project for navigation, Miami Harbor Channel, Miami, Florida, with an estimated total cost of \$3,221,000, with an estimated Federal cost of \$1,800,000 and an estimated non-Federal cost of \$1,421,000.

(10) NORTH WORTH INLET, FLORIDA.—The project for navigation and shoreline protection, Lake Worth Inlet, Palm Beach Harbor, Florida, at a total cost of \$3,915,000, with an estimated Federal cost of \$1,762,000 and an estimated non-Federal cost of \$2,153,000.

(11) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for navigation and related purposes, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of \$3,419,000, with an estimated Federal cost of \$2,551,000, and an estimated non-Federal cost of \$868,000.

(12) ABSECON ISLAND, NEW JERSEY.—The project for storm damage reduction and shoreline protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, at a total cost of \$52,000,000, with an estimated Federal cost of \$34,000,000 and an estimated non-Federal cost of \$18,000,000.

(13) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of \$210,264,000, with an estimated Federal cost of \$130,159,000, and an estimated non-Federal cost of \$80,105,000.

SEC. 102. SMALL FLOOD CONTROL PROJECTS.

(a) PROJECT DESCRIPTIONS.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines

that the project is feasible, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) SOUTH UPLAND, SAN BERNADINO COUNTY, CALIFORNIA.—Project for flood control, South Upland, San Bernadino County, California.

(2) BIRDS, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Birds, Lawrence County, Illinois.

(3) BRIDGEPORT, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Bridgeport, Lawrence County, Illinois.

(4) EMBARRAS RIVER, VILLA GROVE, ILLINOIS.—Project for flood control, Embarras River, Villa Grove, Illinois.

(5) FRANKFORT, WILL COUNTY, ILLINOIS.—Project for flood control, Frankfort, Will County, Illinois.

(6) SUMNER, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Sumner, Lawrence County, Illinois.

(7) VERMILLION RIVER, DEMANADE PARK, LAFAYETTE, LOUISIANA.—Project for non-structural flood control, Vermillion River, Demanade Park, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(8) VERMILLION RIVER, QUAIL HOLLOW SUBDIVISION, LAFAYETTE, LOUISIANA.—Project for non-structural flood control, Vermillion River, Quail Hollow Subdivision, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(9) KAWKAWLIN RIVER, BAY COUNTY, MICHIGAN.—Project for flood control, Kawkawlin River, Bay County, Michigan.

(10) WHITNEY DRAIN, ARENAC COUNTY, MICHIGAN.—Project for flood control, Whitney Drain, Arenac County, Michigan.

(11) FESTUS AND CRYSTAL CITY, MISSOURI.—Project for flood control, Festus and Crystal City, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(12) KIMMSWICK, MISSOURI.—Project for flood control, Kimmswick, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(13) RIVER DES PERES, ST. LOUIS COUNTY, MISSOURI.—Project for flood control, River Des Peres, St. Louis County, Missouri. In carrying out the study and the project (if any), the Secretary shall determine the feasibility of potential flood control measures, consider potential storm water runoff and related improvements, and cooperate with the Metropolitan St. Louis Sewer District.

(14) BUFFALO CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Buffalo Creek, Erie County, New York.

(15) CAZENOVIA CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Cazenovia Creek, Erie County, New York.

(16) CHEEKTOWAGA, ERIE COUNTY, NEW YORK.—Project for flood control, Cheektowaga, Erie County, New York.

(17) FULMER CREEK, VILLAGE OF MOHAWK, NEW YORK.—Project for flood control, Fulmer Creek, Village of Mohawk, New York.

(18) MOYER CREEK, VILLAGE OF FRANKFORT, NEW YORK.—Project for flood control, Moyer Creek, Village of Frankfort, New York.

(19) SAUQUOIT CREEK, WHITESBORO, NEW YORK.—Project for flood control, Sauquoit Creek, Whitesboro, New York.

(20) STEELE CREEK, VILLAGE OF ILION, NEW YORK.—Project for flood control, Steele Creek, Village of Ilion, New York.

(21) WILLAMETTE RIVER, OREGON.—Project for nonstructural flood control, Willamette River, Oregon, including floodplain and ecosystem restoration.

(22) GREENBRIER RIVER BASIN, WEST VIRGINIA.—Project for flood control, consisting of an early flood warning system, Greenbrier River Basin, West Virginia.

(b) COST ALLOCATIONS.—

(1) LAKE ELSINORE, CALIFORNIA.—The maximum amount of Federal funds that may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Lake Elsinore, Riverside County, California, shall be \$7,500,000.

(2) LOST CREEK, COLUMBUS, NEBRASKA.—The maximum amount of Federal funds that may be allotted under such section 205 for the project for flood control, Lost Creek, Columbus, Nebraska, shall be \$5,500,000.

(3) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the projects referred to in paragraphs (1) and (2) in order to take into account the change in the Federal participation in such projects pursuant to such paragraphs.

(4) COST SHARING.—Nothing in this subsection shall be construed to affect any cost-sharing requirement applicable to the project referred to in paragraph (1) under the Water Resources Development Act of 1986.

SEC. 103. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) ST. JOSEPH RIVER, INDIANA.—Project for bank stabilization, St. Joseph River, South Bend, Indiana, including recreation and pedestrian access features.

(2) ALLEGHENY RIVER AT OIL CITY, PENNSYLVANIA.—Project for bank stabilization to address erosion problems affecting the pipeline crossing the Allegheny River at Oil City, Pennsylvania, including measures to address erosion affecting the pipeline in the bed of the Allegheny River and its adjacent banks.

(3) CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for bank stabilization, Cumberland River, Nashville, Tennessee.

(4) TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE.—Project for bank stabilization, Tennessee River, Hamilton County, Tennessee; except that the maximum amount of Federal funds that may be allotted for the project shall be \$7,500,000.

SEC. 104. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) AKUTAN, ALASKA.—Project for navigation, Akutan, Alaska, consisting of a bulkhead and a wave barrier, including application of innovative technology involving use of a permeable breakwater.

(2) GRAND MARAIS HARBOR BREAKWATER, MICHIGAN.—Project for navigation, Grand Marais Harbor breakwater, Michigan.

(3) DULUTH, MINNESOTA.—Project for navigation, Duluth, Minnesota.

(4) TACONITE, MINNESOTA.—Project for navigation, Taconite, Minnesota.

(5) TWO HARBORS, MINNESOTA.—Project for navigation, Two Harbors, Minnesota.

(6) CARUTHERSVILLE HARBOR, PEMISCOT COUNTY, MISSOURI.—Project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(7) NEW MADRID COUNTY HARBOR, MISSOURI.—Project for navigation, New Madrid County Harbor, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(8) BROOKLYN, NEW YORK.—Project for navigation, Brooklyn, New York, including restoration of the pier and related navigation support structures, at the Sixty-Ninth Street Pier.

(9) BUFFALO INNER HARBOR, BUFFALO, NEW YORK.—Project for navigation, Buffalo Inner Harbor, Buffalo, New York.

(10) GLENN COVE CREEK, NEW YORK.—Project for navigation, Glenn Cove Creek, New York, including bulkheading.

(11) UNION SHIP CANAL, BUFFALO AND LACKAWANNA, NEW YORK.—Project for navigation, Union Ship Canal, Buffalo and Lackawanna, New York.

SEC. 105. SMALL SHORELINE PROTECTION PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that the project is feasible, shall carry out the project under section 3 of the Shoreline Protection Act of August 13, 1946 (33 U.S.C. 426g):

(1) FAULKNER'S ISLAND, CONNECTICUT.—Project for shoreline protection, Faulkner's Island, Connecticut; except that the maximum amount of Federal funds that may be allotted for the project shall be \$4,500,000.

(2) FORT PIERCE, FLORIDA.—Project for 1 mile of additional shoreline protection, Fort Pierce, Florida.

(3) ORCHARD BEACH, BRONX, NEW YORK.—Project for shoreline protection, Orchard Beach, Bronx, New York, New York; except that the maximum amount of Federal funds that may be allotted for the project shall be \$5,200,000.

(4) SYLVAN BEACH BREAKWATER, VERONA, ONEIDA COUNTY, NEW YORK.—Project for shoreline protection, Sylvan Beach Breakwater, Verona, Oneida County, New York.

(b) COST SHARING AGREEMENT.—In carrying out the project authorized by subsection (a)(1), the Secretary shall enter into an agreement with the property owner to determine the allocation of the project costs.

SEC. 106. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MINNESOTA.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, including removal of sediment from culverts. The study shall include a determination of the adequacy of culverts to maintain flows through the channel. If the Secretary determines that the project is feasible, the Secretary shall carry out the project under section 3 of the River and Harbor Act of March 2, 1945 (33 U.S.C. 603a; 59 Stat. 23).

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is appropriate, shall carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309(a)):

(1) UPPER TRUCKEE RIVER, EL DORADO COUNTY, CALIFORNIA.—Project for environmental restoration, Upper Truckee River, El Dorado County, California, including measures for restoration of degraded wetlands and wildlife enhancement.

(2) SAN LORENZO RIVER, CALIFORNIA.—Project for habitat restoration, San Lorenzo River, California.

(3) WHITTIER NARROWS DAM, CALIFORNIA.—Project for environmental restoration and remediation of contaminated water sources, Whittier Narrows Dam, California.

(4) UPPER JORDAN RIVER, SALT LAKE COUNTY, UTAH.—Project for channel restoration and environmental improvement, Upper Jordan River, Salt Lake County, Utah.

SEC. 108. PROJECT TO MITIGATE SHORE DAMAGE.

The Secretary shall expedite the Assateague Island restoration feature of the Ocean City, Maryland, and vicinity study and, if the Secretary determines that the Federal navigation project has contributed to degradation of the shoreline, the Secretary shall carry out the project for shoreline restoration under section 111 of the River and Harbor Act of 1968 (82 Stat. 735); except that the maximum amount of Federal funds that may be allotted by the Secretary for the project shall be \$35,000,000. In carrying out the project, the Secretary shall coordinate with affected Federal and State agencies and shall enter into an agreement with the Federal property owner to determine the allocation of the project costs.

TITLE II—GENERALLY APPLICABLE PROVISIONS

SEC. 201. COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS.

(a) CONSTRUCTION.—Section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 221(a); 100 Stat. 4082-4083) is amended—

(1) by striking the last sentence of paragraph (2) and inserting the following: "The value of lands, easements, rights-of-way, and relocations provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph;"

(2) in paragraph (3)—

(A) by inserting "and" after "rights-of-way,"

(B) by striking "and dredged material disposal areas"; and

(C) by inserting "including any lands, easements, rights-of-way, and relocations (other than utility relocations accomplished under paragraph (4)) that are necessary for dredged material disposal facilities" before the period at the end of such paragraph; and

(3) by adding at the end the following:

"(5) DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.—For purposes of this subsection, the term 'general navigation features' includes constructed land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph."

(b) OPERATION AND MAINTENANCE.—Section 101(b) of such Act (33 U.S.C. 221(b); 100 Stat. 4083) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Federal";

(2) by indenting and moving paragraph (1), as designated by paragraph (1) of this subsection, 2 ems to the right;

(3) by striking "pursuant to this Act" and inserting "by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act"; and

(4) by adding at the end thereof the following:

"(2) DREDGED MATERIAL DISPOSAL FACILITIES.—The Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph shall be determined in accordance with subsection (a). The Federal share of operating and maintaining such facilities shall be determined in accordance with paragraph (1)."

(c) AGREEMENT.—Section 101(e)(1) of such Act (33 U.S.C. 221(e)(1); 100 Stat. 4083) is amended by striking "and to provide dredged material disposal areas and perform" and inserting "including those necessary for dredged material disposal facilities, and to perform".

(d) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—Section 101 of such Act (33 U.S.C. 221; 100 Stat. 4082-4084) is further amended by adding at the end the following:

"(f) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—The Secretary shall ensure, to the extent practicable, that—

"(1) funding necessary for operation and maintenance dredging of commercial navigation harbors is provided before Federal funds are obligated for payment of the Federal share of costs associated with construction of dredged material disposal facilities in accordance with subsections (a) and (b);

"(2) funds expended for such construction are equitably apportioned in accordance with regional needs; and

"(3) the Secretary's participation in the construction of dredged material disposal facilities does not result in unfair competition with potential private sector providers of such facilities."

(e) ELIGIBLE OPERATIONS AND MAINTENANCE DEFINED.—Section 214(2) of such Act (33 U.S.C. 224; 100 Stat. 4108) is amended—

(1) in subparagraph (A)—

(A) by inserting "Federal" after "means all";

(B) by inserting "(1)" after "including"; and

(C) by inserting before the period at the end the following: "(1) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (ii) dredging and disposing of contaminated sediments which are in or which affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities"; and

(2) in subparagraph (C) by striking "rights-of-way, or dredged material disposal areas," and inserting "or rights-of-way,"

(f) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendments made by this section to any project for which a contract for construction has not been awarded on or before such date of enactment.

(g) SAVINGS CLAUSE.—Nothing in this section (including the amendments made by

this section) shall increase, or result in the increase of, the non-Federal share of the costs of—

(1) any dredged material disposal facility authorized before the date of the enactment of this Act, including any facility authorized by section 123 of the River and Harbor Act of 1970 (84 Stat. 1823); or

(2) any dredged material disposal facility that is necessary for the construction or maintenance of a project authorized before the date of the enactment of this Act.

SEC. 202. FLOOD CONTROL POLICY.

(a) FLOOD CONTROL COST SHARING.—

(1) INCREASED NON-FEDERAL CONTRIBUTIONS.—Subsections (a) and (b) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a) and (b)) are each amended by striking "25 percent" each place it appears and inserting "35 percent".

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any project authorized after the date of the enactment of this Act and to any flood control project which is not specifically authorized by Congress for which a Detailed Project Report is approved after such date of enactment or, in the case of a project for which no Detailed Project Report is prepared, construction is initiated after such date of enactment.

(b) ABILITY TO PAY.—

(1) IN GENERAL.—Section 103(m) of such Act (33 U.S.C. 2213(m)) is amended to read as follows:

"(m) ABILITY TO PAY.—

"(1) IN GENERAL.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay.

"(2) CRITERIA AND PROCEDURES.—The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 1986; except that such criteria and procedures shall be revised within 6 months after the date of such enactment to reflect the requirements of paragraph (3).

"(3) REVISION OF PROCEDURES.—In revising procedures pursuant to paragraph (1), the Secretary—

"(A) shall consider—

"(i) per capita income data for the county or counties in which the project is to be located; and

"(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;

"(B) shall not consider criteria (other than criteria described in subparagraph (A)) in effect on the day before the date of the enactment of the Water Resources Development Act of 1986; and

"(C) may consider additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a reduction in the non-Federal share as determined under subparagraph (A).

"(4) NON-FEDERAL SHARE.—Notwithstanding subsection (a), the Secretary shall reduce or eliminate the requirement that a non-Federal interest make a cash contribution for any project that is determined to be eligible for a reduction in the non-Federal share under procedures in effect under paragraphs (1), (2), and (3)."

(2) APPLICABILITY.—

(A) GENERALLY.—Subject to subparagraph (C), the amendment made by paragraph (1)

shall apply to any project, or separable element thereof, with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(B) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendment made by paragraph (1) to any project for which a contract for construction has not been awarded on or before such date of enactment.

(C) NON-FEDERAL OPTION.—If requested by the non-Federal interest, the Secretary shall apply the criteria and procedures established pursuant to section 103(m) of the Water Resources Development Act of 1986 as in effect on the day before the date of the enactment of this Act for projects that are authorized before the date of the enactment of this Act.

(c) FLOOD PLAIN MANAGEMENT PLANS.—

(1) IN GENERAL.—Section 402 of such Act (33 U.S.C. 701b-12; 100 Stat. 4133) is amended to read as follows:

"SEC. 402. FLOOD PLAIN MANAGEMENT REQUIREMENTS.

"(a) COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.—Before construction of any project for local flood protection or any project for hurricane or storm damage reduction and involving Federal assistance from the Secretary, the non-Federal interest shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

"(b) FLOOD PLAIN MANAGEMENT PLANS.—Within 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) applies, the non-Federal interest shall prepare a flood plain management plan designed to reduce the impacts of future flood events in the project area. Such plan shall be implemented by the non-Federal interest not later than 1 year after completion of construction of the project.

"(c) GUIDELINES.—

"(1) IN GENERAL.—Within 6 months after the date of the enactment of this subsection, the Secretary shall develop guidelines for preparation of flood plain management plans by non-Federal interests under subsection (b). Such guidelines shall address potential measures, practices and policies to reduce loss of life, injuries, damages to property and facilities, public expenditures, and other adverse impacts associated with flooding and to preserve and enhance natural flood plain values.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to confer any regulatory authority upon the Secretary.

"(d) TECHNICAL SUPPORT.—The Secretary is authorized to provide technical support to a non-Federal interest for a project to which subsection (a) applies for the development and implementation of plans prepared under subsection (b)."

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(d) NON-STRUCTURAL FLOOD CONTROL POLICY.—

(1) REVIEW.—The Secretary shall conduct a review of policies, procedures, and tech-

niques relating to the evaluation and development of flood control measures with a view toward identifying impediments that may exist to justifying non-structural flood control measures as alternatives to structural measures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the findings on the review conducted under this subsection, together with any recommendations for modifying existing law to remove any impediments identified under such review.

(e) EMERGENCY RESPONSE.—Section 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting before the first semicolon the following: ", or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor".

(f) NONSTRUCTURAL ALTERNATIVES.—Section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b-11; 88 Stat. 32) is amended by striking subsection (a) and inserting the following:

"(a) In the survey, planning, or design by any Federal agency of any project involving flood protection, such agency, with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages, shall consider and address in adequate detail nonstructural alternatives, including measures that may be implemented by others, to prevent or reduce flood damages. Such alternatives may include watershed management, wetlands restoration, elevation or flood proofing of structures, floodplain regulation, relocation, and acquisition of floodplain lands for recreational, fish and wildlife, and other public purposes."

SEC. 203. FEASIBILITY STUDY COST-SHARING.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking "during the period of such study";

(2) by inserting after the first sentence the following: "During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost-sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j). In the event the project which is the subject of the study is not authorized within the earlier of 5 years of the date of the final report of the Chief of Engineers concerning such study or 2 years of the date of termination of the study, the non-Federal share of any such excess costs shall be paid to the United States on the last day of such period."; and

(3) in the second sentence, by striking "such non-Federal contribution" and inserting "the non-Federal share required under this paragraph".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost-sharing agreement

entered into by the Secretary and non-Federal interests. Upon request of the non-Federal interest, the Secretary shall amend any feasibility cost-sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments.

(c) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 204. RESTORATION OF ENVIRONMENTAL QUALITY.

(a) **REVIEW OF PROJECTS.**—Section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)) is amended—

(1) by striking "the operation of"; and
(2) by inserting before the period at the end the following: "and to determine if the operation of such projects has contributed to the degradation of the quality of the environment".

(b) **PROGRAM OF PROJECTS.**—Section 1135(b) of such Act is amended by striking the last 2 sentences of subsection (b).

(c) **RESTORATION OF ENVIRONMENTAL QUALITY.**—Section 1135 of such Act is further amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following new subsections:

"(c) **RESTORATION OF ENVIRONMENTAL QUALITY.**—If the Secretary determines that construction of a water resource project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, either through modifications at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

"(d) **NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.**—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) of this section shall be 25 percent. Not more than 80 percent of the non-Federal share may be in kind, including a facility, supply, or service that is necessary to carry out the modification. No more than \$5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section."; and

(3) in subsection (f), as so redesignated, by striking "program conducted under subsection (b)" and inserting "programs conducted under subsections (b) and (c)".

(d) **DEFINITION.**—Section 1135 of such Act is further amended by adding at the end the following:

"(h) **DEFINITION.**—In this section the term 'water resources project constructed by the Secretary' includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service)."

SEC. 205. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639-4640) is amended—

(1) in each of subsections (a), (b), and (c) by inserting "and remediate" after "remove" each place it appears;

(2) in subsection (b)(1) by inserting "and remediation" after "removal" each place it appears;

(3) in subsection (b)(2) by striking "\$10,000,000" and inserting "\$30,000,000"; and
(4) by striking subsection (f) and inserting the following:

"(f) In carrying out this section, the Secretary shall give priority to work in the following areas:

"(1) Brooklyn Waterfront, New York.
"(2) Buffalo Harbor and River, New York.
"(3) Ashtabula River, Ohio.
"(4) Mahoning River, Ohio.
"(5) Lower Fox River, Wisconsin."

SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

(a) **GENERAL AUTHORITY.**—The Secretary is authorized to carry out aquatic ecosystem restoration and protection projects when the Secretary determines that such projects will improve the quality of the environment and are in the public interest and that the environmental and economic benefits, both monetary and nonmonetary, of the project to be undertaken pursuant to this section justify the cost.

(b) **COST SHARING.**—Non-Federal interests shall provide 50 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(c) **AGREEMENTS.**—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(d) **COST LIMITATION.**—Not more than \$5,000,000 in Federal funds may be allotted under this section for a project at any single locality.

(e) **FUNDING.**—There is authorized to be appropriated not to exceed \$25,000,000 annually to carry out this section.

SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) **SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.**—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are minimal and that the benefits to the aquatic environment to be derived from such disposal method, including the creation of wetlands and control of shoreline erosion, justify its selection. The Federal share of such incremental costs shall be determined in accordance with subsection (c)."

SEC. 208. RECREATION POLICY AND USER FEES.

(a) **RECREATION POLICIES.**—

(1) **IN GENERAL.**—The Secretary shall provide increased emphasis on and opportunities for recreation at water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the

Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) **RECREATION USER FEES.**—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) is amended by adding at the end the following:

"(5) **USE OF FEES COLLECTED AT FACILITY.**—Subject to advance appropriations, the Secretary of the Army shall ensure that at least an amount equal to the total amount of fees collected at any project under this subsection in a fiscal year beginning after September 30, 1996, are expended in the succeeding fiscal year at such project for operation and maintenance of recreational facilities at such project."

SEC. 209. RECOVERY OF COSTS.

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the Army Civil Works program and any other amounts recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Army for any expenditure for environmental response activities in support of the Army civil works program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

SEC. 210. COST SHARING OF ENVIRONMENTAL PROJECTS.

(a) **IN GENERAL.**—Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) subject to section 906 of this Act, environmental protection and restoration: 50 percent."

(b) **APPLICABILITY.**—The amendments made by subsection (a) apply only to projects authorized after the date of the enactment of this Act.

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) **AUTHORITY.**—Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) **STUDIES AND DESIGN ACTIVITIES.**—

(1) **BY NON-FEDERAL INTERESTS.**—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and design documents for any construction to be undertaken pursuant to subsection (a).

(2) **BY SECRETARY.**—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and design activities for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies and design activities during the period that the studies and design activities will be conducted.

(c) **COMPLETION OF STUDIES AND DESIGN ACTIVITIES.**—In the case of any study or design documents for a flood control project that were initiated before the date of the enactment of this Act, the Secretary is authorized to complete and transmit to the appropriate

non-Federal interests the study or design documents or, upon the request of such non-Federal interests, to terminate the study or design activities and transmit the partially completed study or design documents to such non-Federal interests for completion. Studies and design documents subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

(1) **IN GENERAL.**—Any non-Federal interest which has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project or separable element thereof based on the results of completed studies and design documents for the project or element, may carry out the project or element if a final environmental impact statement has been filed for the project or element.

(2) **PERMITS.**—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) **MONITORING.**—The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed, operated, and maintained in accordance with the terms and conditions of such permit.

(e) REIMBURSEMENT.—

(1) **GENERAL RULE.**—Subject to appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element thereof, constructed pursuant to this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) SPECIAL RULES.—

(A) **REIMBURSEMENT.**—For work (including work associated with studies, planning, design, and construction) carried out by a non-Federal interest with respect to a project described in subsection (f), the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse, without interest, the non-Federal interest an amount equal to the estimated Federal share of the cost of such work if such work is later recommended by the Chief of Engineers and approved by the Secretary.

(B) **CREDIT.**—If the non-Federal interest for a project described in subsection (f) carries out work before completion of a reconnaissance study by the Secretary and if such work is determined by the Secretary to be compatible with the project later recommended by the Secretary, the Secretary shall credit the non-Federal interest for its share of the cost of the project for such work.

(3) **MATTERS TO BE CONSIDERED IN REVIEWING PLANS.**—In reviewing plans under this subsection, the Secretary shall consider

budgetary and programmatic priorities and other factors that the Secretary deems appropriate.

(4) **MONITORING.**—The Secretary shall regularly monitor and audit any project for flood control approved for construction under this section by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) **LIMITATION ON REIMBURSEMENTS.**—No reimbursement shall be made under this section unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) **SPECIFIC PROJECTS.**—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) **BERRYESSA CREEK, CALIFORNIA.**—The Berryessa Creek element of the project for flood control, Coyote and Berryessa Creeks, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1990 (104 Stat. 4606); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(2) **LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.**—The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611).

(3) **STOCKTON METROPOLITAN AREA, CALIFORNIA.**—The project for flood control, Stockton Metropolitan Area, California.

(4) **UPPER GUADALUPE RIVER, CALIFORNIA.**—The project for flood control, Upper Guadalupe River, California.

(5) **BRAYS BAYOU, TEXAS.**—Flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to the diversion component of such element.

(6) **HUNTING BAYOU, TEXAS.**—The Hunting Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by such section; except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(7) **WHITE OAK BAYOU, TEXAS.**—The project for flood control, White Oak Bayou watershed, Texas.

(g) **TREATMENT OF FLOOD DAMAGE PREVENTION MEASURES.**—For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

SEC. 212. ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE.

(a) **SURVEYS, PLANS, AND STUDIES.**—To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of na-

tional significance, the Secretary may undertake surveys, plans, and studies and prepare reports which may lead to work under existing civil works authorities or to recommendations for authorizations.

(b) FUNDING.—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000 for each fiscal year beginning after September 30, 1996.

(2) **FUNDING FROM OTHER SOURCES.**—The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

SEC. 213. LEASE AUTHORITY.

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199) under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act.

SEC. 214. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) **FUNDING FROM OTHER FEDERAL SOURCES.**—Section 7 of the Water Resources Development Act of 1988 (102 Stat. 4022-4023) is amended—

(1) in subsection (a) by inserting "civil works" before "mission"; and

(2) by striking subsection (e) and inserting the following:

"(e) **FUNDING FROM OTHER FEDERAL SOURCES.**—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out the purposes of this section."

(b) **PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.**—Such section 7 is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following new subsection:

"(b) **PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.**—

"(1) **IN GENERAL.**—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980, the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subsection II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.

"(2) **TREATMENT.**—Any technology covered by this section which becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement.";

(3) in subsection (d), as so redesignated, by striking "(b)" and inserting "(c)".

SEC. 215. DAM SAFETY PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the "National Dam Safety Program Act of 1996".

(b) **FINDINGS.**—Congress finds the following:

(1) Dams are an essential part of the national infrastructure. Dams fail from time to time with catastrophic results; thus, dam safety is a vital public concern.

(2) Dam failures have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption.

(3) Some dams are at or near the end of their structural, useful, or operational life. With respect to future dam failures, the loss, destruction, and disruption can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(A) improved design and construction standards and practices supported by a national dam performance resource bank;

(B) safe operations and maintenance procedures;

(C) early warning systems;

(D) coordinated emergency preparedness plans; and

(E) public awareness and involvement programs.

(4) Dam safety problems persist nationwide. The diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving Federal and State governments and the private sector. An expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of such loss, destruction, and disruption from dam failure by an amount far greater than the cost of such program.

(5) There is a fundamental need for a national dam safety program and the need will continue. An effective national program in dam safety hazards reduction will require input from and review by Federal and non-Federal experts in dams design, construction, operation, and maintenance and in the practical application of dam failure hazards reduction measures. At the present time, there is no national dam safety program.

(6) The coordinating authority for national leadership is provided through the Federal Emergency Management Agency's (hereinafter in this section referred to as "FEMA") dam safety program through Executive Order 12148 in coordination with appropriate Federal agencies and the States.

(7) While FEMA's dam safety program shall continue as a proper Federal undertaking and shall provide the foundation for a National Dam Safety Program, statutory authority to meet increasing needs and to discharge Federal responsibilities in national dam safety is needed.

(8) Statutory authority will strengthen FEMA's leadership role, will codify the national dam safety program, and will authorize the Director of FEMA (hereinafter in this section referred to as the "Director") to communicate directly with Congress on authorizations and appropriations and to build upon the hazard reduction aspects of national dam safety.

(c) **PURPOSE.**—It is the purpose of this section to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program

which will bring together the Federal and non-Federal communities' expertise and resources to achieve national dam safety hazard reduction. It is not the intent of this section to preempt any other Federal or State authorities nor is the intent of this section to mandate State participation in the grant assistance program to be established under this section.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **FEDERAL AGENCY.**—The term "Federal agency" means any Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of any dam.

(2) **NON-FEDERAL AGENCY.**—The term "non-Federal agency" means any State agency that has regulatory authority over the safety of non-Federal dams.

(3) **FEDERAL GUIDELINES FOR DAM SAFETY.**—The term "Federal Guidelines for Dam Safety" refers to a FEMA publication number 93, dated June 1979, which defines management practices for dam safety at all Federal agencies.

(4) **PROGRAM.**—The term "program" means the national dam safety program established under subsection (e).

(5) **DAM.**—The term "dam" means any artificial barrier with the ability to impound water, wastewater, or liquid-borne materials for the purpose of storage or control of water which is—

(A) 25 feet or more in height from (i) the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or (ii) from the lowest elevation of the outside limit of the barrier if the barrier is not across a stream channel or watercourse, to the maximum water storage elevation; or

(B) has an impounding capacity for maximum storage elevation of 50 acre-feet or more.

Such term does not include any such barrier which is not greater than 6 feet in height regardless of storage capacity or which has a storage capacity at maximum water storage elevation not greater than 15 acre-feet regardless of height, unless such barrier, due to its location or other physical characteristics, is likely to pose a significant threat to human life or property in the event of its failure. Such term does not include a levee.

(6) **HAZARD REDUCTION.**—The term "hazard reduction" means those efforts utilized to reduce the potential consequences of dam failure to life and property.

(7) **STATE.**—The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **PARTICIPATING STATE.**—The term "participating State" means any State that elects to participate in the grant assistance program established under this Act.

(9) **UNITED STATES.**—The term "United States" means, when used in a geographical sense, all of the States.

(10) **MODEL STATE DAM SAFETY PROGRAM.**—The term "Model State Dam Safety Program" refers to a document, published by FEMA (No. 123, dated April 1987) and its amendments, developed by State dam safety officials, which acts as a guideline to State dam safety agencies for establishing a dam safety regulatory program or improving an already-established program.

(e) **NATIONAL DAM SAFETY PROGRAM.**—

(1) **AUTHORITY.**—The Director, in consultation with appropriate Federal agencies,

State dam safety agencies, and the National Dam Safety Review Board established by paragraph (5)(C), shall establish and maintain, in accordance with the provisions and policies of this Act, a coordinated national dam safety program. This program shall—

(A) be administered by FEMA to achieve the objectives set forth in paragraph (3);

(B) involve, where appropriate, the Departments of Agriculture, Defense, Energy, Interior, and Labor, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the International Boundaries Commission (United States section), the Tennessee Valley Authority, and FEMA; and

(C) include each of the components described in paragraph (4), the implementation plan described in paragraph (5), and the assistance for State dam safety programs to be provided under this section.

(2) **DUTIES.**—The Director—

(A) within 270 days after the date of the enactment of this Act, shall develop the implementation plan described in paragraph (5);

(B) within 300 days after such date of enactment, shall submit to the appropriate authorizing committees of Congress the implementation plan described in paragraph (5); and

(C) by rule within 360 days after such date of enactment—

(i) shall develop and implement the national dam safety program under this section;

(ii) shall establish goals, priorities, and target dates for implementation of the program; and

(iii) shall provide a method for cooperation and coordination with, and assistance to (as feasible), interested governmental entities in all States.

(3) **OBJECTIVES.**—The objectives of the national dam safety program are as follows:

(A) To ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction.

(B) To encourage acceptable engineering policies and procedures used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness.

(C) To encourage establishment and implementation of effective dam safety programs in each participating State based on State standards.

(D) To develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs.

(E) To develop technical assistance materials for Federal and non-Federal dam safety programs.

(F) To develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

(4) **COMPONENTS.**—

(A) **IN GENERAL.**—The national dam safety program shall consist of a Federal element and a non-Federal element and 3 functional activities: leadership, technical assistance, and public awareness.

(B) **ELEMENTS.**—

(1) **FEDERAL ELEMENT.**—The Federal element of the program incorporates all the activities and practices undertaken by Federal agencies to implement the Federal Guidelines for Dam Safety.

(ii) **NON-FEDERAL ELEMENT.**—The non-Federal element of the program involves the activities and practices undertaken by participating States, local governments, and the private sector to safely build, regulate, operate, and maintain dams and Federal activities which foster State efforts to develop and

implement effective programs for the safety of dams.

(C) ACTIVITIES.—

(1) LEADERSHIP ACTIVITY.—The leadership activity of the program shall be the responsibility of FEMA. FEMA shall coordinate Federal efforts in cooperation with appropriate Federal agencies and State dam safety agencies.

(2) TECHNICAL ASSISTANCE ACTIVITY.—The technical assistance activity of the program involves the transfer of knowledge and technical information among the Federal and non-Federal elements.

(3) PUBLIC AWARENESS ACTIVITY.—The public awareness activity provides for the education of the public, including State and local officials, to the hazards of dam failure and ways to reduce the adverse consequences of dam failure and related matters.

(4) GRANT ASSISTANCE PROGRAM.—The Director shall develop an implementation plan which shall demonstrate dam safety improvements through fiscal year 2001 and shall recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations. The implementation plan shall provide, at a minimum, for the following:

(A) ASSISTANCE PROGRAM.—In order to encourage the establishment and maintenance of effective programs intended to ensure dam safety to protect human life and property and to improve such existing programs, the Director shall provide, from amounts made available under subsection (g) of this section, assistance to participating States to establish and maintain dam safety programs, first, according to the basic provisions for a dam safety program listed below and, second, according to more advanced requirements and standards authorized by the review board under subparagraph (C) and the Director with the assistance of established criteria such as the Model State Dam Safety Program. Participating State dam safety programs must be working toward meeting the following primary criteria to be eligible for primary assistance or must meet the following primary criteria prior to working toward advanced assistance:

(1) STATE LEGISLATION.—A dam safety program must be authorized by State legislation to include, at a minimum, the following:

(I) PLAN REVIEW AND APPROVAL.—Authority to review and approve plans and specifications to construct, enlarge, modify, remove, or abandon dams.

(II) PERIODIC INSPECTIONS DURING CONSTRUCTION.—Authority to perform periodic inspections during construction for the purpose of ensuring compliance with approved plans and specifications.

(III) STATE APPROVAL.—Upon completion of construction, a requirement that, before operation of the structure, State approval is received.

(IV) SAFETY INSPECTIONS.—Authority to require or perform the inspection of all dams and reservoirs that pose a significant threat to human life and property in the event of failure at least every 5 years to determine their continued safety and a procedure for more detailed and frequent safety inspections.

(V) PROFESSIONAL ENGINEER.—A requirement that all inspections be performed under the supervision of a registered professional engineer with related experience in dam design and construction.

(VI) ORDERS.—Authority to issue orders, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or

take other actions, including breaching dams when deemed necessary.

(VII) REGULATIONS.—Rules and regulations for carrying out the provisions of the State's legislative authority.

(VIII) EMERGENCY FUNDS.—Necessary emergency funds to assure timely repairs or other changes to, or removal of, a dam in order to protect human life and property and, if the owner does not take action, to take appropriate action as expeditiously as possible.

(IX) EMERGENCY PROCEDURES.—A system of emergency procedures that would be utilized in the event a dam fails or in the event a dam's failure is imminent, together with an identification of those dams where failure could be reasonably expected to endanger human life and of the maximum area that could be inundated in the event of a failure of the dam, as well as identification of those necessary public facilities that would be affected by such inundation.

(1) STATE APPROPRIATIONS.—State appropriations must be budgeted to carry out the provisions of the State legislation.

(B) WORK PLAN CONTRACTS.—The Director shall enter into contracts with each participating State to determine a work plan necessary for a particular State dam safety program to reach a level of program performance previously agreed upon in the contract. Federal assistance under this section shall be provided to aid the State dam safety program in achieving its goal.

(C) NATIONAL DAM SAFETY REVIEW BOARD.—

(1) IN GENERAL.—There is authorized to be established a National Dam Safety Review Board (hereinafter in this section referred to as the "Board"), which shall be responsible for monitoring participating State implementation of the requirements of the assistance program. The Board is authorized to utilize the expertise of other agencies of the United States and to enter into contracts for necessary studies to carry out the requirements of this section. The Board shall consist of 11 members selected for their expertise in dam safety as follows:

(I) 5 to represent FEMA, the Federal Energy Regulatory Commission, and the Departments of Agriculture, Defense, and Interior.

(II) 5 members selected by the Director who are dam safety officials of States.

(III) 1 member selected by the Director to represent the United States Committee on Large Dams.

(4) NO COMPENSATION OF MEMBERS.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States. Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Board.

(6) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(D) MAINTENANCE OF EFFORT.—No grant may be made to a participating State under this subsection in any fiscal year unless the State enters into such agreement with the Director as the Director may require to ensure that the participating State will main-

tain its aggregate expenditures from all other sources for programs to assure dam safety for the protection of human life and property at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this Act.

(E) PROCEDURE FOR APPROVAL OF STATE PARTICIPATION.—Any program which is submitted to the Director for participation in the assistance program under this subsection shall be deemed approved 120 days following its receipt by the Director unless the Director determines within such 120-day period that the submitted program fails to reasonably meet the requirements of subparagraphs (A) and (B). If the Director determines the submitted program cannot be approved for participation, the Director shall immediately notify the State in writing, together with his or her reasons and those changes needed to enable the submitted program to be approved.

(F) REVIEW OF STATE PROGRAMS.—Utilizing the expertise of the Board, the Director shall periodically review the approved State dam safety programs. In the event the Board finds that a program of a participating State has proven inadequate to reasonably protect human life and property and the Director agrees, the Director shall revoke approval of the State's participation in the assistance program and withhold assistance under this section, until the State program has been reapproved.

(G) COOPERATION OF FEDERAL AGENCIES.—The head of any Federal agency, when requested by any State dam safety agency, shall provide information on the construction, operation, or maintenance of any dam or allow officials of the State agency to participate in any Federal inspection of any dam.

(H) DAM INSURANCE REPORT.—Within 180 days after the date of the enactment of this Act, the Director shall report to the Congress on the availability of dam insurance and make recommendations.

(I) BIENNIAL REPORT.—Within 90 days after the last day of each odd-numbered fiscal year, the Director shall submit a biennial report to Congress describing the status of the program being implemented under this section and describing the progress achieved by the Federal agencies during the 2 previous years in implementing the Federal Guidelines for Dam Safety. Each such report shall include any recommendations for legislative and other action deemed necessary and appropriate. The report shall also include a summary of the progress being made in improving dam safety by participating States.

(g) AUTHORIZING OF APPROPRIATIONS.—

(1) GENERAL PROGRAM.—

(A) FUNDING.—There are authorized to be appropriated to the Director to carry out the provisions of subsections (e) and (f) (in addition to any authorizations for similar purposes included in other Acts and the authorizations set forth in paragraphs (2) through (5) of this subsection)—

- (i) \$1,000,000 for fiscal year 1997;
- (ii) \$2,000,000 for fiscal year 1998;
- (iii) \$4,000,000 for fiscal year 1999;
- (iv) \$4,000,000 for fiscal year 2000; and
- (v) \$4,000,000 for fiscal year 2001.

(B) APPORTIONMENT FORMULA.—

(1) IN GENERAL.—Subject to clause (ii), sums appropriated under this paragraph shall be distributed annually among participating States on the following basis: One-third among those States determined in subsection (e) as qualifying for funding, and two-thirds in proportion to the number of dams and appearing as State-regulated dams

on the National Dam Inventory in each participating State that has been determined in subsection (e)(5)(A) as qualifying for funding, to the number of dams in all participating States.

(11) **LIMITATION TO 50 PERCENT OF COST.**—In no event shall funds distributed to any State under this paragraph exceed 50 percent of the reasonable cost of implementing an approved dam safety program in such State.

(11) **ALLOCATION BETWEEN PRIMARY AND ADVANCED ASSISTANCE PROGRAMS.**—The Director and Review Board shall determine how much of funds appropriated under this paragraph is allotted to participating States needing primary funding and those needing advanced funding.

(2) **TRAINING.**—

(A) **IN GENERAL.**—The Director shall, at the request of any State that has or intends to develop a dam safety program under subsection (e)(5)(A), provide training for State dam safety staff and inspectors.

(B) **FUNDING.**—There is authorized to be appropriated to carry out this paragraph \$500,000 for each of fiscal years 1997 through 2001.

(3) **RESEARCH.**—

(A) **IN GENERAL.**—The Director shall undertake a program of technical and archival research in order to develop improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection, together with devices for the continued monitoring of dams for safety purposes.

(B) **STATE PARTICIPATION; REPORTS.**—The Director shall provide for State participation in the research under this paragraph and periodically advise all States and Congress of the results of such research.

(C) **FUNDING.**—There is authorized to be appropriated to carry out this paragraph \$1,000,000 for each of fiscal years 1997 through 2001.

(4) **DAM INVENTORY.**—

(A) **MAINTENANCE AND PUBLICATION.**—The Secretary is authorized to maintain and periodically publish updated information on the inventory of dams.

(B) **FUNDING.**—There is authorized to be appropriated to carry out this paragraph \$500,000 for each of fiscal years 1997 through 2001.

(5) **PERSONNEL.**—

(A) **EMPLOYMENT.**—The Director is authorized to employ additional staff personnel in numbers sufficient to carry out the provisions of this section.

(B) **FUNDING.**—There is authorized to be appropriated to carry out this paragraph \$400,000 for each of fiscal years 1997 through 2001.

(6) **LIMITATION.**—No funds authorized by this section shall be used to construct or repair any Federal or non-Federal dams.

(h) **CONFORMING AMENDMENTS.**—The Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (33 U.S.C. 467-467m; Public Law 92-367), is amended—

(1) in the first section by striking "means any artificial barrier" and all that follows through the period at the end and inserting "has the meaning such term has under subsection (d) of the National Dam Safety Program Act of 1996";

(2) by striking the 2d sentence of section 3;

(3) by striking section 5 and sections 7 through 14; and

(4) by redesignating section 6 as section 5.

SEC. 216. MAINTENANCE, REHABILITATION, AND MODERNIZATION OF FACILITIES.

In accomplishing the maintenance, rehabilitation, and modernization of hydroelectric power generating facilities at water resources projects under the jurisdiction of the Department of the Army, the Secretary is authorized to increase the efficiency of energy production and the capacity of these facilities if, after consulting with other appropriate Federal and State agencies, the Secretary determines that such uprating—

(1) is economically justified and financially feasible;

(2) will not result in significant adverse effects on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operation changes in the project.

SEC. 217. LONG-TERM SEDIMENT MANAGEMENT STRATEGIES.

(a) **DEVELOPMENT.**—The Secretary shall enter into cooperative agreements with non-Federal sponsors of navigation projects for development of long-term management strategies for controlling sediments in such projects.

(b) **CONTENTS OF STRATEGIES.**—Each strategy developed under this section for a navigation project—

(1) shall include assessments of the following with respect to the project: sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) shall include a timetable for implementation of the strategy; and

(3) shall incorporate, as much as possible, relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) **CONSULTATION.**—In developing strategies under this section, the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

SEC. 218. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.

(a) **ADDITIONAL CAPACITY.**—

(1) **PROVIDED BY SECRETARY.**—At the request of a non-Federal project sponsor, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond that which would be required for project purposes if the non-Federal project sponsor agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(2) **COST RECOVERY AUTHORITY.**—The non-Federal project sponsor may recover the costs assigned to the additional capacity through fees assessed on 3rd parties whose dredged material is deposited in the facility and who enter into agreements with the non-Federal sponsor for the use of such facility. The amount of such fees may be determined by the non-Federal sponsor.

(b) **NON-FEDERAL USE OF DISPOSAL FACILITIES.**—

(1) **IN GENERAL.**—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) **USE OF FEES.**—Notwithstanding section 401(c) of the Federal Water Pollution Control Act but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which they were collected.

(c) **PUBLIC-PRIVATE PARTNERSHIPS.**—

(1) **IN GENERAL.**—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation of dredged material disposal facilities in connection with construction or maintenance of Federal navigation projects.

(2) **PRIVATE FINANCING.**—

(A) **AGREEMENTS.**—In carrying out this subsection, the Secretary may enter into an agreement with a project sponsor, a private entity, or both for the acquisition, design, construction, management, or operation of a dredged material disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) **REIMBURSEMENT.**—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) **AMOUNT OF FEES.**—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the project sponsor and the private entity.

(D) **FEDERAL SHARE.**—The Federal share of such fee shall be equal to the percentage of the total cost which would otherwise be borne by the Federal Government as required pursuant to existing cost sharing requirements, including section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2325).

(E) **BUDGET ACT COMPLIANCE.**—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2))) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 219. OBSTRUCTION REMOVAL REQUIREMENT.

(a) **PENALTY.**—Section 16 of the Act of March 3, 1899 (33 U.S.C. 411; 30 Stat. 1153), is amended—

(1) by striking "thirteen, fourteen, and fifteen" each place it appears and inserting "13, 14, 15, 19, and 20"; and

(2) by striking "not exceeding twenty-five hundred dollars nor less than five hundred dollars" and inserting "of up to \$25,000 per day".

(b) **GENERAL AUTHORITY.**—Section 20 of the Act of March 3, 1899 (33 U.S.C. 415; 30 Stat. 1154), is amended—

(1) by striking "expense" the first place it appears in subsection (a) and inserting "actual expense, including administrative expenses,";

(2) in subsection (b) by striking "cost" and inserting "actual cost, including administrative costs,";

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

"(b) REMOVAL REQUIREMENT.—Within 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of this section."

SEC. 220. SMALL PROJECT AUTHORIZATIONS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking "\$12,500,000" and inserting "\$15,000,000"; and

(2) by striking "\$500,000" and inserting "\$1,500,000".

SEC. 221. UNECONOMICAL COST-SHARING REQUIREMENTS.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) is amended by striking the following: "except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than \$25,000."

SEC. 222. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a) by inserting ", watersheds, or ecosystems" after "basins";

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking "\$6,000,000" and inserting "\$10,000,000"; and

(B) by striking "\$300,000" and inserting "\$500,000".

SEC. 223. CORPS OF ENGINEERS EXPENSES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u; 64 Stat. 183) is amended—

(1) by striking "continental limits of the"; and

(2) by striking the 2d colon and all that follows through "for this purpose".

SEC. 224. STATE AND FEDERAL AGENCY REVIEW PERIOD.

The 1st section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved December 22, 1944 (33 U.S.C. 701-1(a); 58 Stat. 888), is amended—

(1) by striking "Within ninety" and inserting "Within 30"; and

(2) by striking "ninety-day period." and inserting "30-day period."

SEC. 225. LIMITATION ON REIMBURSEMENT OF NON-FEDERAL COSTS PER PROJECT.

Section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) is amended—

(1) by striking "\$3,000,000" and inserting "\$5,000,000"; and

(2) by striking the final period.

SEC. 226. AQUATIC PLANT CONTROL.

(a) ADDITIONAL CONTROLLED PLANTS.—Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting after "alligatorweed," the following: "melaleuca,".

(b) AUTHORIZATION.—Section 104(b) of such Act (33 U.S.C. 610(b)) is amended by striking "\$12,000,000" and inserting "\$15,000,000".

SEC. 227. SEDIMENTS DECONTAMINATION TECHNOLOGY.

(a) PROJECT PURPOSE.—Section 405(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863) is amended by adding at the end the following:

"(3) PROJECT PURPOSE.—The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 500,000 cubic yards per year."

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 405(c) of such Act is amended to read as follows: "There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal years beginning after September 30, 1996."

(c) REPORTS.—Section 405 of such Act is amended by adding at the end the following:

"(d) REPORTS.—Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the intent of the program set forth in subsection (a)(3)."

SEC. 228. SHORE PROTECTION.

(a) DECLARATION OF POLICY.—Subsection (a) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e; 60 Stat. 1056), is amended—

(1) by striking "damage to the shores" and inserting "damage to the shores and beaches"; and

(2) by striking "the following provisions" and all that follows through the period at the end of subsection (a) and inserting the following: "this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities."

(b) NONPUBLIC SHORES.—Subsection (d) of such section is amended by striking "or from the protection of nearby public property or" and inserting ", if there are sufficient benefits, including benefits to local and regional economic development and to the local and regional ecology (as determined under subsection (e)(2)(B)), or"; and

(c) AUTHORIZATION OF PROJECTS.—Subsection (e) of such section is amended—

(1) by striking "(e) No" and inserting the following:

"(e) AUTHORIZATION OF PROJECTS.—

"(1) IN GENERAL.—No";

(2) by moving the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems to the right; and

(3) by adding at the end the following:

"(2) STUDIES.—

"(A) IN GENERAL.—The Secretary shall—

"(1) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law;

"(ii) conduct such studies as Congress requires under applicable laws; and

"(iii) report the results of the studies to the appropriate committees of Congress.

"(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.—

"(1) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

"(ii) CONSIDERATIONS.—In making recommendations, the Secretary shall consider the economic and ecological benefits of a shore protection project and the ability of the non-Federal interest to participate in the project.

"(iii) CONSIDERATION OF LOCAL AND REGIONAL BENEFITS.—In analyzing the economic and ecological benefits of a shore protection project, or a flood control or other water resource project the purpose of which includes shore protection, the Secretary shall consider benefits to local and regional economic development, and to the local and regional ecology, in calculating the full economic and ecological justifications for the project.

"(C) COORDINATION OF PROJECTS.—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

"(1) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and

"(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

"(3) SHORE PROTECTION PROJECTS.—

"(A) IN GENERAL.—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

"(B) AGREEMENTS.—

"(1) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element.

"(ii) TERMS.—The agreement shall—

"(I) specify the life of the project; and

"(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

"(C) COORDINATION OF PROJECTS.—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).

"(4) REPORT TO CONGRESS.—The Secretary shall report biennially to the appropriate committees of Congress on the status of all ongoing shore protection studies and shore protection projects carried out under the jurisdiction of the Secretary."

(d) REQUIREMENT OF AGREEMENTS PRIOR TO REIMBURSEMENTS.—

(1) SMALL SHORE PROTECTION PROJECTS.—Section 2 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426f; 60 Stat. 1056), is amended—

(A) by striking "SEC. 2. The Secretary of the Army" and inserting the following:

"SEC. 2. REIMBURSEMENTS.

"(a) IN GENERAL.—The Secretary";

(B) in subsection (a) (as so designated)—

(i) by striking "local interests" and inserting "non-Federal interests";

(ii) by inserting "or separable element of the project" after "project"; and

(iii) by inserting "or separable elements" after "projects" each place it appears; and

(C) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) REQUIREMENT.—After authorization of reimbursement by the Secretary under this section, and before commencement of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal interest with respect to the project or separable element.

"(2) TERMS.—The agreement shall—

"(A) specify the life of the project; and

"(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element."

(2) OTHER SHORELINE PROTECTION PROJECTS.—Section 206(e)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1(e)(1)(A); 106 Stat. 4829) is amended by inserting before the semicolon the following: "and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)".

(e) STATE AND REGIONAL PLANS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is further amended—

(1) by redesignating section 4 (33 U.S.C. 426h) as section 5; and

(2) by inserting after section 3 (33 U.S.C. 426g) the following:

"SEC. 4. STATE AND REGIONAL PLANS.

"The Secretary may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan."

(f) DEFINITIONS.—

(1) IN GENERAL.—Section 5 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426h), (as redesignated by subsection (e)(1)) is amended to read as follows:

"SEC. 5. DEFINITIONS.

"In this Act, the following definitions apply:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers.

"(2) SEPARABLE ELEMENT.—The term 'separable element' has the meaning provided by section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)).

"(3) SHORE.—The term 'shore' includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes,

and lakes, estuaries, and bays directly connected therewith.

"(4) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand."

(2) CONFORMING AMENDMENTS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is amended—

(A) in subsection (b)(3) of the first section (33 U.S.C. 426e(b)(3)) by striking "of the Army, acting through the Chief of Engineers," and by striking the final period; and

(B) in section 3 (33 U.S.C. 426g) by striking "Secretary of the Army" and inserting "Secretary".

(g) OBJECTIVES OF PROJECTS.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2; 84 Stat. 1829) is amended by inserting "(including shore protection projects such as projects for beach nourishment, including the replacement of sand)" after "water resource projects".

SEC. 229. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking "Before" at the beginning of the second sentence and inserting "Upon"; and

(2) by inserting "planning, designing, or" before "construction" in the last sentence.

(b) TECHNICAL AMENDMENT.—Section 52 of the Water Resources Development Act of 1988 (33 U.S.C. 579a note; 102 Stat. 4044) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively.

SEC. 230. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) GENERAL AUTHORITY.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) SPECIAL RULES.—With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may also use such potential application as an evaluation factor where appropriate.

SEC. 231. BENEFITS TO NAVIGATION.

In evaluating potential improvements to navigation and the maintenance of navigation projects, the Secretary shall consider, and include for purposes of project justification, economic benefits generated by cruise ships as commercial navigation benefits.

SEC. 232. LOSS OF LIFE PREVENTION.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended by inserting "including the loss of life which may be associated with flooding and coastal storm events," after "costs,".

SEC. 233. SCENIC AND AESTHETIC CONSIDERATIONS.

In conducting studies of potential water resources projects, the Secretary shall consider measures to preserve and enhance scenic and aesthetic qualities in the vicinity of such projects.

SEC. 234. REMOVAL OF STUDY PROHIBITIONS.

Nothing in section 208 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749), section 505 of the Energy and Water Development Appropriations Act, 1993 (106 Stat. 1343), or any other provision of law shall be deemed to limit the authority of the Secretary to undertake studies for the purpose of investigating alternative modes of financing hydroelectric power facilities under the jurisdiction of the Department of the Army with funds appropriated after the date of the enactment of this Act.

SEC. 235. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 236. RESERVOIR MANAGEMENT TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319; 104 Stat. 4639) is amended—

(1) by striking subsection (a); and

(2) by striking "(b) PUBLIC PARTICIPATION."

SEC. 237. TECHNICAL CORRECTIONS.

(a) SECTION 203 OF 1992 ACT.—Section 203(b) of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended by striking "(8662)" and inserting "(8862)".

(b) SECTION 225 OF 1992 ACT.—Section 225(c) of the Water Resources Development Act of 1992 (106 Stat. 4838) is amended by striking "(8662)" in the second sentence and inserting "(8862)".

TITLE III—PROJECT MODIFICATIONS

SEC. 301. MOBILE HARBOR, ALABAMA.

The undesignated paragraph under the heading "MOBILE HARBOR, ALABAMA" in section 201(a) of the Water Resources Development Act of 1986 (100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: "In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration."

SEC. 302. ALAMO DAM, ARIZONA.

The project for flood control and other purposes, Alamo Dam and Lake, Arizona, authorized by section 10 of the River and Harbor Act of December 22, 1944, (58 Stat. 900), is modified to authorize the Secretary to operate the Alamo Dam to provide fish and wildlife benefits both upstream and downstream of the Dam. Such operation shall not reduce flood control and recreation benefits provided by the project.

SEC. 303. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to direct the Secretary to permit the non-Federal contribution for the project to be determined in accordance with sections 103(k) and 103(m) of the Water Resources Development Act of 1986 and to direct the Secretary to enter into negotiations with non-

Federal interests pursuant to section 103(1) of such Act concerning the timing of the initial payment of the non-Federal contribution.

SEC. 304. PHOENIX, ARIZONA.

Section 321 of the Water Resources Development Act of 1992 (106 Stat. 4848) is amended—

- (1) by striking "control" and inserting "control, ecosystem restoration,"; and
- (2) by striking "\$6,500,000." and inserting "\$17,500,000."

SEC. 305. SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.

The project for flood control, San Francisco River, Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of \$21,100,000, with an estimated Federal cost of \$13,800,000 and an estimated non-Federal cost of \$7,300,000.

SEC. 306. CHANNEL ISLANDS HARBOR, CALIFORNIA.

The project for navigation, Channel Islands Harbor, Port of Hueneme, California, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1252) is modified to direct the Secretary to pay 100 percent of the costs of dredging the Channel Islands Harbor sand trap.

SEC. 307. GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 948), and as modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), is further modified to authorize the Secretary to carry out the portion of the project at Glenn-Colusa, California, at a total cost of \$14,200,000.

SEC. 308. LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.

The navigation project for Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201(b) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to provide that, notwithstanding section 101(a)(4) of such Act, the cost of the relocation of the sewer outfall by the Port of Los Angeles shall be credited toward the payment required from the non-Federal interest by section 101(a)(2) of such Act.

SEC. 309. OAKLAND HARBOR, CALIFORNIA.

The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4092), are modified by combining the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated in such section 202, at a total cost of \$90,850,000, with an estimated Federal cost of \$59,150,000 and an estimated non-Federal cost of \$31,700,000. The non-Federal share of project costs and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project.

SEC. 310. QUEENSWAY BAY, CALIFORNIA.

Section 4(e) of the Water Resources Development Act of 1988 (102 Stat. 4016) is amended by adding at the end the following sentence:

"In addition, the Secretary shall perform advance maintenance dredging in the Queensway Bay Channel, California, at a total cost of \$5,000,000."

SEC. 311. SAN LUIS REY, CALIFORNIA.

The project for flood control of the San Luis Rey River, California, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-5; 79 Stat. 1073-1074), is modified to authorize the Secretary to construct the project at a total cost not to exceed \$81,600,000 with an estimated Federal cost of \$61,100,000 and an estimated non-Federal cost of \$20,500,000.

SEC. 312. THAMES RIVER, CONNECTICUT.

(a) RECONFIGURATION OF TURNING BASIN.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), is modified to make the turning basin have the following alignment: Starting at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees 25 minutes 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees 24 minutes 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees 41 minutes 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees 16 minutes 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees 01 minute 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees 00 minutes 00 seconds east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(b) NON-FEDERAL RESPONSIBILITY FOR INITIAL DREDGING.—Any required initial dredging of the widened portions of the turning basin identified in subsection (a) shall be accomplished at non-Federal expense.

(c) CONFORMING DEAUTHORIZATION.—Those portions of the existing turning basin which are not included in the reconfigured turning basin as described in subsection (a) shall no longer be authorized after the date of the enactment of this Act.

SEC. 313. POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.

The project for flood protection, Potomac River, Washington, District of Columbia, authorized by section 5 of the Flood Control Act of June 22, 1936 (74 Stat. 1574), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated May 1992 at a Federal cost of \$1,800,000; except that a temporary closure may be used instead of a permanent structure at 17th Street. Operation and maintenance of the project shall be a Federal responsibility.

SEC. 314. CANAVERAL HARBOR, FLORIDA.

The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features. The Secretary shall reimburse any costs that are incurred by the non-Federal sponsor in connection with the reclassified work and that the Secretary determines to be in excess of the non-Federal share of costs for general navigation features. The Federal and non-Federal shares of the cost of the reclassified work shall be determined in accordance with section 101 of the Water Resources Development Act of 1986.

SEC. 315. CAPTIVA ISLAND, FLORIDA.

The project for shoreline protection, Captiva Island, Lee County, Florida, authorized pursuant to section 201 of the Flood Control Act of 1965 (79 Stat. 1073), is modified to direct the Secretary to reimburse the non-Federal interest for beach renourishment work accomplished by such interest as if such work occurred after execution of the agreement entered into pursuant to section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5) with respect to such project.

SEC. 316. CENTRAL AND SOUTHERN FLORIDA, CANAL 51.

The project for flood protection of West Palm Beach, Florida (C-51), authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", with such modifications as are approved by the Secretary. The additional work authorized by this subsection shall be accomplished at Federal expense. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, and all costs of such operation and maintenance shall be provided by non-Federal interests.

SEC. 317. CENTRAL AND SOUTHERN FLORIDA, CANAL 111 (C-111).

(a) IN GENERAL.—The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176) and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740-741), is modified to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C-111), South Dade County, Florida", dated May 1994, including acquisition by non-Federal interests of such portions of the Frog Pond and Rocky Glades areas as are needed for the project.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of implementing the plan of improvement shall be 50 percent.

(2) DEPARTMENT OF INTERIOR RESPONSIBILITY.—The Department of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project. The amount paid by the Department of the Interior shall be included as part of the Federal share of the cost of implementing the plan.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs of the improvements undertaken pursuant to this subsection shall be 100 percent; except that the Federal Government shall reimburse the non-Federal project sponsor 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in the Everglades National Park.

SEC. 318. JACKSONVILLE HARBOR (MILL COVE), FLORIDA.

The project for navigation, Jacksonville Harbor (Mill Cove), Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139-4140), is modified to direct the Secretary to carry out a project for flow and circulation improvement within Mill Cove, at a total cost of

\$2,000,000, with an estimated Federal cost of \$2,000,000.

SEC. 319. PANAMA CITY BEACHES, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Panama City Beaches, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133), is modified to direct the Secretary to enter into an agreement with the non-Federal interest for carrying out such project in accordance with section 206 of the Water Resources Development Act of 1992 (106 Stat. 4828).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the progress made in carrying out this section.

SEC. 320. TYBEE ISLAND, GEORGIA.

The project for beach erosion control, Tybee Island, Georgia, authorized pursuant to section 201 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5), is modified to include as an integral part of the project the portion of the ocean shore of Tybee Island located south of the existing south terminal groin between 18th and 19th Streets.

SEC. 321. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1586), is modified to authorize the Secretary to undertake riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February 1994, at a total cost of \$85,975,000, with an estimated first Federal cost of \$39,975,000 and an estimated first non-Federal cost of \$46,000,000. The cost of work, including relocations undertaken by the non-Federal interest after February 15, 1994, on features identified in the Master Plan shall be credited toward the non-Federal share of project costs.

SEC. 322. CHICAGO, ILLINOIS.

The project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to limit the capacity of the reservoir project not to exceed 11,000,000,000 gallons or 32,000 acre-feet, to provide that the reservoir project may not be located north of 55th Street or west of East Avenue in the vicinity of McCook, Illinois, and to provide that the reservoir project may only be constructed on the basis of a specific plan that has been evaluated by the Secretary under the provisions of the National Environmental Policy Act of 1969.

SEC. 323. CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS.

The project for navigation, Chicago Harbor, Lake Michigan, Illinois, for which operation and maintenance responsibility was transferred to the Secretary under chapter IV of title I of the Supplemental Appropriations Act, 1983 (97 Stat. 311) and section 107 of the Energy and Water Development Appropriation Act, 1982 (95 Stat. 1137) is modified to direct the Secretary to conduct a study to determine the feasibility of making such structural repairs as are necessary to prevent leakage through the Chicago Lock and the Thomas J. O'Brien Lock, Illinois, and to determine the need for installing permanent flow measurement equipment at such locks to measure any leakage. The Secretary is authorized to carry out such repairs and installations as are necessary following completion of the study.

SEC. 324. KASKASKIA RIVER, ILLINOIS.

The project for navigation, Kaskaskia River, Illinois, authorized by section 101 of

the River and Harbor Act of 1962 (76 Stat. 1175), is modified to add fish and wildlife and habitat restoration as project purposes.

SEC. 325. LOCKS AND DAM 26, ALTON, ILLINOIS AND MISSOURI.

Section 102(1) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended—

(1) by striking “, that requires no separable project lands and” and inserting “on project lands and other contiguous non-project lands, including those lands referred to as the Alton Commons. The recreational development”;

(2) by inserting “shall be” before “at a Federal construction”; and

(3) by striking “The recreational development” and inserting “, and”.

SEC. 326. NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.

The project for flood protection, North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated March 1994, at a total cost of \$34,228,000, with an estimated Federal cost of \$20,905,000 and an estimated non-Federal cost of \$13,323,000.

SEC. 327. ILLINOIS AND MICHIGAN CANAL.

Section 314(a) of the Water Resources Development Act of 1992 (106 Stat. 4847) is amended by adding at the end the following: “Such improvements shall include marina development at Lock 14, to be carried out in consultation with the Illinois Department of Natural Resources, at a total cost of \$6,374,000.”

SEC. 328. HALSTEAD, KANSAS.

The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated March 19, 1993, at a total cost of \$11,100,000, with an estimated Federal cost of \$8,325,000 and an estimated non-Federal cost of \$2,775,000.

SEC. 329. LEVISA AND TUG FORKS OF THE BIG SANDY RIVER AND CUMBERLAND RIVER, KENTUCKY, WEST VIRGINIA, AND VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Cumberland River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to provide that the minimum level of flood protection to be afforded by the project shall be the level required to provide protection from a 100-year flood or from the flood of April 1977, whichever level of protection is greater.

SEC. 330. PRESTONBURG, KENTUCKY.

Section 109(a) of Public Law 104-46 (109 Stat. 408) is amended by striking “Modification No. 2” and inserting “Modification No. 3”.

SEC. 331. COMITE RIVER, LOUISIANA.

The Comite River Diversion project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resource Development Act of 1992 (106 Stat. 4802-4803), is modified to authorize the Secretary to construct the project at a total cost of \$121,600,000, with an estimated Federal cost of \$70,577,000 and an estimated non-Federal cost of \$51,023,000.

SEC. 332. GRAND ISLE AND VICINITY, LOUISIANA.

The project for hurricane damage prevention, flood control, and beach erosion along

Grand Isle and Vicinity, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to construct a permanent breakwater and levee system at a total cost of \$17,000,000.

SEC. 333. LAKE PONTCHARTRAIN, LOUISIANA.

The project for hurricane damage prevention and flood control, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to provide that St. Bernard Parish, Louisiana, and the Lake Borgne Basin Levee District, Louisiana, shall not be required to pay the unpaid balance, including interest, of the non-Federal cost-share of the project.

SEC. 334. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection project on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to direct the Secretary to provide a credit to the State of Louisiana toward its non-Federal share of the cost of the project. The credit shall be for the cost incurred by the State in developing and relocating oyster beds to offset the adverse impacts on active and productive oyster beds in the Davis Pond project area but shall not exceed \$7,500,000.

SEC. 335. MISSISSIPPI RIVER OUTLETS, VENICE, LOUISIANA.

The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to provide for the extension of the 16-foot deep by 250-foot wide Baptiste Collette Bayou entrance channel to approximately Mile 8 of the Mississippi River-Gulf Outlet navigation channel, at a total estimated Federal cost of \$80,000.

SEC. 336. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources and Development Act of 1986 (100 Stat. 4142) and modified by section 102(p) of the Water Resources and Development Act of 1990 (104 Stat. 4613), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of \$10,500,000; and

(2) to provide that lands that are purchased adjacent to the Loggy Bayou Wildlife Management Area may be located in Caddo Parish or Red River Parish.

SEC. 337. WESTWEGO TO HARVEY CANAL, LOUISIANA.

The project West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana, authorized by section 401(f) of the Water Resources Development Act of 1986 (100 Stat. 4128), is modified to include the Lake Cataouatche Area Levee as part of the authorized project, at a total cost of \$14,375,000, with an estimated Federal cost of \$9,344,000 and an estimated non-Federal cost of \$5,031,000.

SEC. 338. TOLCHESTER CHANNEL, MARYLAND.

The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297) is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if determined to be feasible and necessary for safe and efficient navigation, to implement such straightening as part of project maintenance.

SEC. 339. SAGINAW RIVER, MICHIGAN.

The project for flood protection, Saginaw River, Michigan, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) is modified to include as part of the project the design and construction of an inflatable dam on the Flint River, Michigan, at a total cost of \$500,000.

SEC. 340. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.

(a) IN GENERAL.—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254-4255), is modified as provided by this subsection.

(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be paid as follows:

(1) That portion of the non-Federal share which the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.

(2) The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.

(c) PAYMENT TERM OF ADDITIONAL PERCENTAGE.—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project referred to in subsection (a) may be paid over a period of 50 years or the expected life of the project, whichever is shorter.

(d) GREAT LAKES STATES DEFINED.—For the purposes of this section, the term "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

SEC. 341. STILLWATER, MINNESOTA.

Section 363 of the Water Resources Development Act of 1992 (106 Stat. 4861-4862) is amended—

(1) by inserting after "riverfront," the following: "and expansion of such system if the Secretary determines that the expansion is feasible,";

(2) by striking "\$3,200,000" and inserting "\$11,600,000";

(3) by striking "\$2,400,000" and inserting "\$8,700,000"; and

(4) by striking "\$800,000" and inserting "\$2,900,000".

SEC. 342. CAPE GIRARDEAU, MISSOURI.

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118-4119), is modified to authorize the Secretary to construct the project, including implementation of nonstructural measures, at a total cost of \$45,414,000, with an estimated Federal cost of \$33,030,000 and an estimated non-Federal cost of \$12,384,000.

SEC. 343. NEW MADRID HARBOR, MISSOURI.

The project for navigation, New Madrid Harbor, Missouri, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 102(n) of the Water Resources Development Act of 1992 (106 Stat. 4807), is further modified to direct the Secretary to assume responsibility for maintenance of the existing Federal channel referred to in such section 102(n) in addition to maintaining New Madrid County Harbor.

SEC. 344. ST. JOHN'S BAYOU—NEW MADRID FLOODWAY, MISSOURI.

Notwithstanding any other provision of law, Federal assistance made available under

the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project for flood control, St. John's Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

SEC. 345. JOSEPH G. MINISH PASSAIC RIVER PARK, NEW JERSEY.

Section 101(a)(18)(B) of the Water Resources Development Act of 1990 (104 Stat. 4608) is amended by striking "\$25,000,000" and inserting "\$75,000,000".

SEC. 346. MOLLY ANN'S BROOK, NEW JERSEY.

The project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated April 3, 1996, at a total cost of \$40,100,000, with an estimated Federal cost of \$22,600,000 and an estimated non-Federal cost of \$17,500,000.

SEC. 347. PASSAIC RIVER, NEW JERSEY.

Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

"SEC. 1148. PASSAIC RIVER BASIN.

"(a) ACQUISITION OF LANDS.—The Secretary is authorized to acquire from willing sellers lands on which residential structures are located and which are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, September 1995, at an estimated total cost of \$194,000,000.

"(b) RETENTION OF LANDS FOR FLOOD PROTECTION.—Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin.

"(c) COST SHARING.—The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of the requirements of subsection (d).

"(d) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of this Act, to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project."

SEC. 348. RAMAPO RIVER AT OAKLAND, NEW JERSEY AND NEW YORK.

The project for flood control, Ramapo River at Oakland, New Jersey and New York, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated May 1994, at a total cost of \$11,300,000, with an estimated Federal cost of \$8,500,000 and an estimated non-Federal cost of \$2,800,000.

SEC. 349. RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.

Section 102(q) of the Water Resources Development Act of 1992 (106 Stat. 4808) is amended by striking "for Cliffwood Beach".

SEC. 350. ARTHUR KILL, NEW YORK AND NEW JERSEY.

The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to carry out

the project to a depth of not to exceed 45 feet if determined to be feasible by the Secretary at a total cost of \$83,000,000.

SEC. 351. JONES INLET, NEW YORK.

The project for navigation, Jones Inlet, New York, authorized by section 2 of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), is modified to direct the Secretary to place uncontaminated dredged material on beach areas down-drift from the federally maintained channel for the purpose of mitigating the interruption of littoral system natural processes caused by the jetty and continued dredging of the federally maintained channel.

SEC. 352. KILL VAN KULL, NEW YORK AND NEW JERSEY.

The project for navigation, Kill Van Kull, New York and New Jersey, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project at a total cost of \$750,000,000.

SEC. 353. WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated April 1990 and the General Design Memorandum Supplement dated February 1994, at a total cost of \$52,041,000, with an estimated Federal cost of \$25,729,000 and an estimated non-Federal cost of \$26,312,000.

SEC. 354. GARRISON DAM, NORTH DAKOTA.

The project for flood control, Garrison Dam, North Dakota, authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to authorize the Secretary to acquire permanent flowage and saturation easements over the lands in Williams County, North Dakota, extending from the riverward margin of the Buford-Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford-Trenton Irrigation District pumping station located in the northeast quarter of section 17, township 152 north, range 104 west, and continuing northeasterly downstream to the land referred to as the East Bottom, and any other lands outside of the boundaries of the Buford-Trenton Irrigation District which have been adversely affected by rising ground water and surface flooding. Any easement acquired by the Secretary pursuant to this subsection shall include the right, power, and privilege of the Government to submerge, overflow, percolate, and saturate the surface and subsurface of the land. The cost of acquiring such easements shall not exceed 90 percent, or be less than 75 percent, of the unaffected fee value of the lands. The project is further modified to authorize the Secretary to provide a lump sum payment of \$60,000 to the Buford-Trenton Irrigation District for power requirements associated with operation of the drainage pumps and to relinquish all right, title, and interest of the United States to the drainage pumps located within the boundaries of the Irrigation District.

SEC. 355. RENO BEACH-HOWARDS FARM, OHIO.

The project for flood protection, Reno Beach-Howards Farm, Ohio, authorized by section 203 of the Flood Control Act, 1948 (62 Stat. 1178), is modified to provide that the

value of lands, easements, rights-of-way, and disposal areas that are necessary to carry out the project and are provided by the non-Federal interest shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated April 4, 1985.

SEC. 356. WISTER LAKE, OKLAHOMA.

The flood control project for Wister Lake, LeFlore County, Oklahoma, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1218), is modified to increase the elevation of the conservation pool to 478 feet and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation.

SEC. 357. BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 83 of the Water Resources Development Act of 1974 (88 Stat. 35), is further modified to authorize the Secretary to convey to the city of North Bonneville, Washington, at no further cost to the city, all right, title and interest of the United States in and to the following:

(1) Any municipal facilities, utilities fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically, Lots M1 through M15, M16 (the "community center lot"), M18, M19, M22, M24, S42 through S45, and S52 through S60.

(2) The "school lot" described as Lot 2, block 5, on the plat of relocated North Bonneville.

(3) Parcels 2 and C, but only upon the completion of any environmental response actions required under applicable law.

(4) That portion of Parcel B lying south of the existing city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, provided the Secretary determines, at the time of the proposed conveyance, that the Army has taken all action necessary to protect human health and the environment.

(5) Such portions of Parcel H which can be conveyed without a requirement for further investigation, inventory or other action by the Department of the Army under the provisions of the National Historic Preservation Act.

(6) Such easements as the Secretary deems necessary for—

(A) sewer and water line crossings of relocated Washington State Highway 14; and

(B) reasonable public access to the Columbia River across those portions of Hamilton Island that remain under the ownership of the United States.

(b) TIME PERIOD FOR CONVEYANCES.—The conveyances referred to in subsections (a)(1), (a)(2), (a)(5), and (a)(6)(A) shall be completed within 180 days after the United States receives the release referred to in subsection (d). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subsection.

(c) PURPOSE.—The purpose of the conveyances authorized by subsection (a) is to resolve all outstanding issues between the United States and the city of North Bonneville.

(d) ACKNOWLEDGEMENT OF PAYMENT; RELEASE OF CLAIMS RELATING TO RELOCATION OF CITY.—As a prerequisite to the conveyances authorized by subsection (a), the city of North Bonneville shall execute an acknowl-

edgement of payment of just compensation and shall execute a release of any and all claims for relief of any kind against the United States growing out of the relocation of the city of North Bonneville, or any prior Federal legislation relating thereto, and shall dismiss, with prejudice, any pending litigation, if any, involving such matters.

(e) RELEASE BY ATTORNEY GENERAL.—Upon receipt of the city's acknowledgment and release referred to in subsection (d), the Attorney General of the United States shall dismiss any pending litigation, if any, arising out of the relocation of the city of North Bonneville, and execute a release of any and all rights to damages of any kind under the February 20, 1987, judgment of the United States Claims Court, including any interest thereon.

(f) ACKNOWLEDGMENT OF ENTITLEMENTS; RELEASE BY CITY OF CLAIMS.—Within 60 days after the conveyances authorized by subsection (a) (other than paragraph (6)(B)) have been completed, the city shall execute an acknowledgment that all entitlements under such paragraph have been completed and shall execute a release of any and all claims for relief of any kind against the United States arising out of this subsection.

(g) EFFECTS ON CITY.—Beginning on the date of the enactment of this Act, the city of North Bonneville, or any successor in interest thereto, shall—

(1) be precluded from exercising any jurisdiction over any lands owned in whole or in part by the United States and administered by the United States Army Corps of Engineers in connection with the Bonneville project; and

(2) be authorized to change the zoning designations of, sell, or resell Parcels S35 and S56, which are presently designated as open spaces.

SEC. 358. COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.

The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the River and Harbor Appropriations Act of June 18, 1878 (20 Stat. 152), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the existing deep draft channel between the mouth of the river and river mile 34 at a cost not to exceed \$2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

SEC. 359. GRAYS LANDING LOCK AND DAM, MONONGAHELA RIVER, PENNSYLVANIA.

The project for navigation Grays Landing Lock and Dam, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), is modified to authorize the Secretary to construct the project at a total cost of \$181,000,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

SEC. 360. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to direct the Secretary to carry out the project for flood control for the Plot and Green Ridge sections of the project.

SEC. 361. MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.

Section 209(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended by striking "\$3,000,000" and inserting "\$5,000,000".

SEC. 362. SAW MILL RUN, PENNSYLVANIA.

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated April 8, 1994, at a total cost of \$12,780,000, with an estimated Federal cost of \$9,585,000 and an estimated non-Federal cost of \$3,195,000.

SEC. 363. SCHUYLKILL RIVER, PENNSYLVANIA.

The navigation project for the Schuylkill River, Pennsylvania, authorized by the first section of the River and Harbor Appropriations Act of August 8, 1917 (40 Stat. 252), is modified to provide for the periodic removal and disposal of sediment to a depth of 6 feet detained within portions of the Fairmount pool between the Fairmount Dam and the Columbia Bridge, generally within the limits of the channel alignments referred to as the Schuylkill River Racecourse and return lane, and the Belmont Water Works intakes and Boathouse Row.

SEC. 364. SOUTH CENTRAL PENNSYLVANIA.

(a) COST SHARING.—Section 313(d)(3)(A) of the Water Resources Development Act of 1992 (106 Stat. 4846; 109 Stat. 407) is amended to read as follows:

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for design and construction services and other in-kind work, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary. The Federal share may be provided in the form of grants or reimbursements of project costs. Non-Federal interests shall also receive credit for grants and the value of work performed on behalf of such interests by State and local agencies."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 313(g)(1) of such Act (106 Stat. 4846; 109 Stat. 407) is amended by striking "\$50,000,000" and inserting "\$90,000,000".

SEC. 365. WYOMING VALLEY, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to undertake as part of the construction of the project mechanical and electrical upgrades to existing stormwater pumping stations in the Wyoming Valley and to undertake mitigation measures.

SEC. 366. SAN JUAN HARBOR, PUERTO RICO.

The project for navigation, San Juan Harbor, Puerto Rico, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4097), is modified to authorize the Secretary to deepen the bar channel to depths varying from 49 feet to 56 feet below mean low water with other modifications to authorized interior channels as generally described in the General Reevaluation Report and Environmental Assessment, dated March 1994, at a total cost of \$43,993,000, with an estimated Federal cost of \$27,341,000 and an estimated non-Federal cost of \$16,652,000.

SEC. 367. NARRAGANSETT, RHODE ISLAND.

Section 361(a) of the Water Resources Development Act of 1992 (106 Stat. 4861) is amended—

- (1) by striking "\$200,000" and inserting "\$1,900,000";
- (2) by striking "\$150,000" and inserting "\$1,425,000"; and
- (3) by striking "\$50,000" and inserting "\$475,000".

SEC. 368. CHARLESTON HARBOR, SOUTH CAROLINA.

The project for navigation, Charleston Harbor, South Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096), is modified to direct the Secretary to undertake ditching, clearing, spillway replacement, and dike reconstruction of the Clouter Creek Disposal Area, as a part of the operation and maintenance of the Charleston Harbor project.

SEC. 369. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.

(a) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that flood protection works constructed by the non-Federal interests along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the project and the cost of such works shall be credited against the non-Federal share of project costs but shall not be included in calculating benefits of the project.

(b) DETERMINATION OF AMOUNT.—The amount to be credited under subsection (a) shall be determined by the Secretary. In determining such amount, the Secretary may permit crediting only for that portion of the work performed by the non-Federal interests which is compatible with the project referred to in subsection (a), including any modification thereof, and which is required for construction of such project.

(c) CASH CONTRIBUTION.—Nothing in this section shall be construed to limit the applicability of the requirement contained in section 103(a)(1)(A) of the Water Resources Development Act of 1986 to the project referred to in subsection (a).

SEC. 370. UPPER JORDAN RIVER, UTAH.

The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to construct the project at a total cost of \$12,870,000, with an estimated Federal cost of \$8,580,000 and an estimated non-Federal cost of \$4,290,000.

SEC. 371. HAYS LAKE, VIRGINIA.

The Hays Lake, Virginia, feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified—

(1) to add recreation and fish and wildlife enhancement as project purposes;

(2) to direct the Secretary to construct the Hays Lake feature of the project substantially in accordance with Plan A as set forth in the Draft General Plan Supplement Report for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995;

(3) to direct the Secretary to apply section 103(m) of the Water Resources Development Act of 1986 (100 Stat. 4087) to the construction of such feature in the same manner as that section is applied to other projects or project features constructed pursuant to such section 202(a); and

(4) to provide for operation and maintenance of recreational facilities on a reimbursable basis.

SEC. 372. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to authorize the Secretary to continue maintenance of the project for 50 years beginning on the date of initial construction of the project. The Federal share of the cost of such maintenance shall be determined in accordance with title I of the Water Resources Development Act of 1986.

SEC. 373. VIRGINIA BEACH, VIRGINIA.

The non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), shall be reduced by \$3,120,803, or by such amount as is determined by an audit carried out by the Secretary to be due to the city of Virginia Beach as reimbursement for the Federal share of beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperative agreement is executed for the project.

SEC. 374. EAST WATERWAY, WASHINGTON.

The project for navigation, East and West waterways, Seattle Harbor, Washington, authorized by the first section of the River and Harbor Appropriations Act of March 2, 1919 (40 Stat. 1275), is modified to direct the Secretary—

(1) to expedite review of potential deepening of the channel in the East waterway from Elliott Bay to Terminal 25 to a depth of up to 51 feet; and

(2) if determined to be feasible, to implement such deepening as part of project maintenance.

In carrying out work authorized by this section, the Secretary shall coordinate with the Port of Seattle regarding use of Slip 27 as a dredged material disposal area.

SEC. 375. BLUESTONE LAKE, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by inserting "except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project," after "project," the first place it appears.

SEC. 376. MOOREFIELD, WEST VIRGINIA.

The project for flood control, Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 (104 Stat. 4610-4611), is modified to authorize the Secretary to construct the project at a total cost of \$22,000,000, with an estimated Federal cost of \$17,100,000 and an estimated non-Federal cost of \$4,900,000.

SEC. 377. SOUTHERN WEST VIRGINIA.

(a) COST SHARING.—Section 340(c)(3) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

"(3) COST SHARING.—

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed

6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.

"(B) INTEREST.—In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

"(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

"(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal."

(b) FUNDING.—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by striking "\$5,000,000" and inserting "\$25,000,000".

SEC. 378. WEST VIRGINIA TRAIL HEAD FACILITIES.

Section 306 of the Water Resources Development Act of 1992 (106 Stat. 4840-4841) is amended by adding at the end the following: "The Secretary shall enter into an inter-agency agreement with the Federal entity which provided assistance in the preparation of the study for the purposes of providing ongoing technical assistance and oversight for the trail facilities envisioned by the master plan developed under this section. The Federal entity shall provide such assistance and oversight."

SEC. 379. KICKAPOO RIVER, WISCONSIN.

(a) IN GENERAL.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States to the lands described in paragraph (3), including all works, structures, and other improvements to such lands.

(2) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this subsection, on the date of the transfer under paragraph (1), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in paragraph (3). Such lands shall be specified in accordance with paragraph (4)(C) and may not exceed a total of 1,200 acres.

(3) LAND DESCRIPTION.—The lands to be transferred pursuant to paragraphs (1) and (2) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 41, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(4) TERMS AND CONDITIONS.—

(A) HOLD HARMLESS; REIMBURSEMENT OF UNITED STATES.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer. If title to the lands described in paragraph (3) is sold or transferred by the State, then the State shall reimburse the United States for the price originally paid by the United States for purchasing such lands.

(B) IN GENERAL.—The Secretary shall make the transfers under paragraphs (1) and (2) only if on or before October 31, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in subparagraph (C), with the tribal organization (as defined by section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))) of the Ho-Chunk Nation.

(C) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in subparagraph (B) shall contain, at a minimum, the following:

(i) A description of sites and associated lands to be transferred to the Secretary of the Interior under paragraph (2).

(ii) An agreement specifying that the lands transferred under paragraphs (1) and (2) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(iii) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under paragraphs (1) and (2).

(iv) A provision requiring a review of the plan referred to in clause (iii) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under paragraph (2). Such provision may include a plan for the transfer by the State to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(5) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under paragraph (2), and any lands transferred to the Secretary of the Interior pursuant to the memorandum of understanding entered into under paragraph (3), shall be held in trust for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(6) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in subsection (a) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(7) DEAUTHORIZATION.—Except as provided in subsection (c), the LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(8) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to

manage and maintain the LaFarge Dam and Lake portion of the project referred to in subsection (a) until the date of the transfer under this section.

(c) COMPLETION OF PROJECT FEATURES.—

(1) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State highway route 131 and county highway routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the existing road rights-of-way through the Kickapoo Valley.

(B) Environmental cleanup and site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(C) Cultural resource activities to meet the requirements of Federal law.

(2) PARTICIPATION BY STATE OF WISCONSIN.—In undertaking the completion of the features described in paragraph (1), the Secretary shall determine the requirements of the State of Wisconsin on the location and design of each such feature.

(d) FUNDING.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1996, \$17,000,000.

SEC. 380. TETON COUNTY, WYOMING.

Section 840 of the Water Resources Development Act of 1986 (100 Stat. 4176) is amended—

(1) by striking “: Provided, That” and inserting “; except that”;

(2) by striking “in cash or materials” and inserting “, through providing in-kind services or cash or materials,”; and

(3) by adding at the end the following: “In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsor permitting the non-Federal sponsor to perform operation and maintenance for the project on a cost-reimbursable basis.”.

TITLE IV—STUDIES

SEC. 401. CORPS CAPABILITY STUDY, ALASKA.

The Secretary shall review the capability of the Corps of Engineers to plan, design, construct, operate, and maintain rural sanitation projects for rural and Native villages in Alaska. Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit findings and recommendations on the agency's capability, together with recommendations on the advisability of assuming such a mission.

SEC. 402. MCDOWELL MOUNTAIN, ARIZONA.

The Secretary shall credit the non-Federal share of the cost of the feasibility study on the McDowell Mountain project an amount equivalent to the cost of work performed by the city of Scottsdale, Arizona, and accomplished prior to the city's entering into an agreement with the Secretary if the Secretary determines that the work is necessary for the study.

SEC. 403. NOGALES WASH AND TRIBUTARIES, ARIZONA.

(a) STUDY.—The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and floodflows emanating from Mexico.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations concerning the appropriate level of non-Federal participation in the project for flood control, Nogales Wash and tributaries, Arizona, au-

thorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606).

SEC. 404. GARDEN GROVE, CALIFORNIA.

The Secretary shall conduct a study to assess the feasibility of implementing improvements in the regional flood control system within Garden Grove, California.

SEC. 405. MUGU LAGOON, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study of the environmental impacts associated with sediment transport, flood flows, and upstream watershed land use practices on Mugu Lagoon, California. The study shall include an evaluation of alternatives for the restoration of the estuarine ecosystem functions and values associated with Mugu Lagoon and the endangered and threatened species inhabiting the area.

(b) CONSULTATION AND COORDINATION.—In conducting the study, the Secretary shall consult with the Secretary of the Navy and shall coordinate with State and local resource agencies to assure that the study is compatible with restoration efforts for the Calleguas Creek watershed.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 406. SANTA YNEZ, CALIFORNIA.

(a) PLANNING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prepare a comprehensive river basin management plan addressing the long term ecological, economic, and flood control needs of the Santa Ynez River basin, California. In preparing such plan, the Secretary shall consult the Santa Barbara Flood Control District and other affected local governmental entities.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the Santa Barbara Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

SEC. 407. SOUTHERN CALIFORNIA INFRASTRUCTURE.

(a) ASSISTANCE.—Section 116(d)(1) of the Water Resources Development Act of 1990 (104 Stat. 4624) is amended—

(1) in the heading of paragraph (1) by inserting “AND ASSISTANCE” after “STUDY”; and

(2) by adding at the end the following: “In addition, the Secretary shall provide technical, design, and planning assistance to non-Federal interests in developing potential infrastructure projects.”.

(b) FUNDING.—Section 116(d)(3) of such Act is amended by striking “\$1,500,000” and inserting “\$7,500,000”.

SEC. 408. YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

SEC. 409. CHAIN OF ROCKS CANAL, ILLINOIS.

The Secretary shall complete a limited reevaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal, Illinois, and consistent with the authorized purposes of that project, to include evacuation of waters interior to the Chain of Rocks Canal East Levee.

SEC. 410. QUINCY, ILLINOIS.

(a) STUDY.—The Secretary shall study and evaluate the critical infrastructure of the Fabius River Drainage District, the South

Quincy Drainage and Levee District, the Sny Island Levee Drainage District, and the city of Quincy, Illinois—

(1) to determine if additional flood protection needs of such infrastructure should be identified or implemented;

(2) to produce a definition of critical infrastructure;

(3) to develop evaluation criteria; and

(4) to enhance existing geographic information system databases to encompass relevant data that identify critical infrastructure for use in emergencies and in routine operation and maintenance activities.

(b) **CONSIDERATION OF OTHER STUDIES.**—In conducting the study under this section, the Secretary shall consider the recommendations of the Interagency Floodplain Management Committee Report, the findings of the Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries, and other relevant studies and findings.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with recommendations regarding each of the purposes of the study described in paragraphs (1) through (4) of subsection (a).

SEC. 411. SPRINGFIELD, ILLINOIS.

The Secretary shall provide technical, planning, and design assistance to the city of Springfield, Illinois, in developing—

(1) an environmental impact statement for the proposed development of a water supply reservoir, including the preparation of necessary documentation in support of the environmental impact statement; and

(2) an evaluation of technical, economic, and environmental impacts of such development.

SEC. 412. BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA.

The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

SEC. 413. GRAND CALUMET RIVER, HAMMOND, INDIANA.

(a) **STUDY.**—The Secretary shall conduct a study to establish a methodology and schedule to restore the wetlands at Wolf Lake and George Lake in Hammond, Indiana.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 414. INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA.

The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 657).

SEC. 415. KOONTZ LAKE, INDIANA.

The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana, including measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake, measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

SEC. 416. LITTLE CALUMET RIVER, INDIANA.

(a) **STUDY.**—The Secretary shall conduct a study of the impact of the project for flood

control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for cost-effective remediation of impacts described in subsection (a).

(c) **FEDERAL SHARE.**—The Federal share of the cost of the study to be conducted under subsection (a) shall be 100 percent.

SEC. 417. TIPPECANOE RIVER WATERSHED, INDIANA.

(a) **STUDY.**—The Secretary shall conduct a study of water quality and environmental restoration needs in the Tippecanoe River watershed, Indiana, including measures necessary to reduce siltation in Lake Shafer and Lake Freeman.

(b) **ASSISTANCE.**—The Secretary shall provide technical, planning, and design assistance to the Shafer Freeman Lakes Environmental Conservation Corporation in addressing potential environmental restoration activities determined as a result of the study conducted under subsection (a).

SEC. 418. CALCASIEU SHIP CHANNEL, HACKBERRY, LOUISIANA.

The Secretary shall conduct a study to determine the need for improved navigation and related support service structures in the vicinity of the Calcasieu Ship Channel, Hackberry, Louisiana.

SEC. 419. HURON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the need for channel improvements and associated modifications for the purpose of providing a harbor of refuge at Huron River, Michigan.

SEC. 420. SAGO RIVER, NEW HAMPSHIRE.

The Secretary shall conduct a study of flood control problems along the Sago River in Hart's Location, New Hampshire, for the purpose of evaluating retaining walls, berms, and other structures with a view to potential solutions involving repair or replacement of existing structures and shall consider other alternatives for flood damage reduction.

SEC. 421. BUFFALO RIVER GREENWAY, NEW YORK.

The Secretary shall conduct a study of a potential greenway trail project along the Buffalo River between the park system of the city of Buffalo, New York, and Lake Erie. Such study shall include preparation of an integrated plan of development that takes into consideration the adjacent parks, nature preserves, bikeways, and related recreational facilities.

SEC. 422. PORT OF NEWBURGH, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out improvements for navigation at the port of Newburgh, New York.

SEC. 423. PORT OF NEW YORK-NEW JERSEY SEDIMENT STUDY.

(a) **STUDY OF MEASURES TO REDUCE SEDIMENT DEPOSITION.**—The Secretary shall conduct a study of measures that could reduce sediment deposition in the vicinity of the Port of New York-New Jersey for the purpose of reducing the volumes to be dredged for navigation projects in the Port.

(b) **DREDGED MATERIAL DISPOSAL STUDY.**—The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New

York-New Jersey which could accommodate as much as 250,000 cubic yards of dredged materials for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(c) **REPORT.**—The Secretary shall transmit to Congress a report on the results of the studies conducted under this section, together with any recommendations of the Secretary concerning reduction of sediment deposition referred to in subsection (a).

SEC. 424. PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY.

The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

SEC. 425. CHAGRIN RIVER, OHIO.

The Secretary shall conduct a study of flooding problems along the Chagrin River in Eastlake, Ohio. In conducting such study, the Secretary shall evaluate potential solutions to flooding from all sources, including that resulting from ice jams, and shall evaluate the feasibility of a sedimentation collection pit and other potential measures to reduce flooding.

SEC. 426. CUYAHOGA RIVER, OHIO.

The Secretary shall conduct a study to evaluate the integrity of the bulkhead system located on the Federal channel along the Cuyahoga River in the vicinity of Cleveland, Ohio, and shall provide to the non-Federal interest an analysis of costs and repairs of the bulkhead system.

SEC. 427. CHARLESTON, SOUTH CAROLINA, ESTUARY.

The Secretary is authorized to conduct a study of the Charleston estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

SEC. 428. MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.

The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

SEC. 429. PRINCE WILLIAM COUNTY, VIRGINIA.

The Secretary shall conduct a study of flooding, erosion, and other water resources problems in Prince William County, Virginia, including an assessment of wetlands protection, erosion control, and flood damage reduction needs of the County.

SEC. 430. PACIFIC REGION.

(a) **STUDY.**—The Secretary is authorized to conduct studies in the interest of navigation in that part of the Pacific region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(b) **COST SHARING.**—The cost sharing provisions of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215; 100 Stat. 4088-4089) shall apply to studies under this section.

SEC. 431. FINANCING OF INFRASTRUCTURE NEEDS OF SMALL AND MEDIUM PORTS.

(a) **STUDY.**—The Secretary shall conduct a study of alternative financing mechanisms

for ensuring adequate funding for the infrastructure needs of small and medium ports.

(b) MECHANISMS TO BE STUDIED.—Mechanisms to be studied under subsection (a) shall include the establishment of revolving loan funds.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. PROJECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(1) BRANFORD HARBOR, CONNECTICUT.—The following portion of the project for navigation, Branford Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Appropriations Act of June 13, 1902 (32 Stat. 333): Starting at a point on the Federal channel line whose coordinates are N156181.32, E581572.38, running south 70 degrees 11 minutes 8 seconds west a distance of 171.58 feet to another point on the Federal channel line whose coordinates are N156123.18, E581410.96.

(2) BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480): A 2.4-acre anchorage area, 9 feet deep, and an adjacent 0.6-acre anchorage, 6 feet deep, located on the west side of Johnsons River.

(3) GUILFORD HARBOR, CONNECTICUT.—The following portion of the project for navigation, Guilford Harbor, Connecticut, authorized by section 2 of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (50 Stat. 13): Starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees 58 minutes 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees 18 minutes 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees 41 minutes 37.9 seconds east 55.000 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees 18 minutes 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees 58 minutes 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees 0 minutes 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(4) JOHNSONS RIVER CHANNEL, BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of July 24, 1946 (60 Stat. 634): Northerly of a line across the Federal channel. The coordinates of such line are N 123318.35, E 486301.68 and N 123257.15, E 486380.77.

(5) MYSTIC RIVER, CONNECTICUT.—The following portion of the project for improving the Mystic River, Connecticut, authorized by the River and Harbor Act approved March 4, 1913 (37 Stat. 802):

Beginning in the 15-foot deep channel at coordinates north 190860.82, east 814416.20, thence running southeast about 52.01 feet to the coordinates north 190809.47, east 814424.49, thence running southwest about 34.02 feet to coordinates north 190780.46, east 814406.70, thence running north about 80.91 feet to the point of beginning.

(6) NORWALK HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION.—The portion of the project for navigation, Norwalk Harbor, Connecticut, authorized by the River and Harbor Act of March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96, and those portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), not included in the description of the realignment of the project contained in subparagraph (B).

(B) REALIGNMENT DESCRIPTION.—The realigned 6-foot deep East Norwalk Channel and Anchorage is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the existing Federal anchorage until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(C) REDESIGNATION.—All of the realigned channel shall be redesignated as anchorage, with the exception of that portion of the channel which narrows to a width of 100 feet and terminates at a line whose coordinates are N96456.81, E419260.06, and N96390.37, E419185.32, which shall remain as a channel.

(7) SOUTHPORT HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION PORTION OF PROJECT.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1029):

(i) The 6-foot deep anchorage located at the head of the project.

(ii) The portion of the 9-foot deep channel beginning at a bend in the channel whose coordinates are north 109131.16, east 452653.32 running thence in a northeasterly direction about 943.01 feet to a point whose coordinates are north 109635.22, east 453450.31 running thence in a southeasterly direction about 22.66 feet to a point whose coordinates are north 109617.15, east 453463.98 running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(B) REMAINDER.—The remaining portion of the project referred to in subparagraph (A) northerly of a line whose coordinates are north 108699.15, east 452768.36 and north 108655.66, east 452858.73 shall be redesignated as an anchorage.

(8) STONY CREEK, BRANFORD, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577): The 6-foot maneuvering basin starting at a point N157031.91, E599030.79, thence running northwesterly about 221.16 feet to a point N157191.06, E599184.37, thence running north-

erly about 162.60 feet to a point N157353.56, E599189.99, thence running southwesterly about 358.90 feet to the point of origin.

(9) KENNEBUNK RIVER, MAINE.—That portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and consisting of a 6-foot deep channel that lies northerly of a line whose coordinates are N191412.53, E417265.28 and N191445.83, E417332.48.

(10) YORK HARBOR, MAINE.—That portion of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), located in the 8-foot deep anchorage area beginning at coordinates N 109340.19, E 372066.93, thence running north 65 degrees 12 minutes 10.5 seconds E 423.27 feet to a point N 109517.71, E372451.17, thence running north 28 degrees 42 minutes 58.3 seconds west 11.68 feet to a point N 109527.95, E 372445.56, thence running south 63 degrees 37 minutes 24.6 seconds west 422.63 feet returning to the point of beginning and that portion in the 8-foot deep anchorage area beginning at coordinates N 108557.24, E 371645.88, thence running south 60 degrees 41 minutes 17.2 seconds east 484.51 feet to a point N 108320.04, E 372068.36, thence running north 29 degrees 12 minutes 53.3 seconds east 15.28 feet to a point N 108333.38, E 372075.82, thence running north 62 degrees 29 minutes 42.1 seconds west 484.73 feet returning to the point of beginning.

(11) CHELSEA RIVER, BOSTON HARBOR, MASSACHUSETTS.—The following portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project N505357.84, E724519.19, thence running northeasterly about 384.19 feet along the northern limit of the existing project to a bend on the northern limit of the existing project N505526.87, E724864.20, thence running southeasterly about 368.00 feet along the northern limit of the existing project to another point N505404.77, E725211.35, thence running westerly about 594.53 feet to a point N505376.12, E724617.51, thence running southwesterly about 100.00 feet to the point of origin.

(12) COHASSET HARBOR, COHASSET, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to the point of origin.

(B) The portion starting at a point N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running

north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to the point of origin.

(C) The portion starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to the point of origin.

(13) FALMOUTH, MASSACHUSETTS.—

(A) DEAUTHORIZATIONS.—The following portions of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172):

(1) The portion commencing at a point north 199286.37 east 844394.81 a line running north 73 degrees 09 minutes 29 seconds east 440.34 feet to a point north 199413.99 east 844816.36, thence turning and running north 43 degrees 09 minutes 34.5 seconds east 119.99 feet to a point north 199501.52 east 844898.44, thence turning and running south 66 degrees 52 minutes 03.5 seconds east 547.66 feet returning to a point north 199286.41 east 844394.91.

(11) The portion commencing at a point north 199647.41 east 845035.25 a line running north 43 degrees 09 minutes 33.1 seconds east 767.15 feet to a point north 200207.01 east 845560.00, thence turning and running north 11 degrees 04 minutes 24.3 seconds west 380.08 feet to a point north 200580.01 east 845487.00, thence turning and running north 22 degrees 05 minutes 50.8 seconds east 1332.36 feet to a point north 201814.50 east 845988.21, thence turning and running north 02 degrees 54 minutes 15.7 seconds east 15.0 feet to a point north 201829.48 east 845988.97, thence turning and running south 24 degrees 56 minutes 42.3 seconds west 1410.29 feet returning to the point north 200550.75 east 845394.18.

(B) REDESIGNATION.—The portion of the project for navigation Falmouth, Massachusetts, referred to in subparagraph (A) upstream of a line designated by the 2 points north 199463.18 east 844496.40 and north 199350.36 east 844544.60 is redesignated as an anchorage area.

(14) MYSTIC RIVER, MASSACHUSETTS.—The following portion of the project for navigation, Mystic River, Massachusetts, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164): The 35-foot deep channel beginning at a point on the northern limit of the existing project, N506243.78, E717600.27, thence running easterly about 1000.00 feet along the northern limit of the existing project to a point, N506083.42, E718587.33, thence running southerly about 40.00 feet to a point, N506043.94, E718580.91, thence running westerly about 1000.00 feet to a point, N506204.29, E717593.85, thence running northerly about 40.00 feet to the point of origin.

(15) RESERVED CHANNEL, BOSTON, MASSACHUSETTS.—That portion of the project for navigation, Reserved Channel, Boston, Massachusetts, authorized by section 101(a)(12) of the Water Resources Development Act of 1990 (104 Stat. 4607), that consists of a 40-foot deep channel beginning at a point along the southern limit of the authorized project, N489391.22, E728246.54, thence running northerly about 54 feet to a point, N489445.53, E728244.97, thence running easterly about 2.926 feet to a point, N489527.38, E731170.41, thence running southeasterly about 81 feet to a point, N489474.87, E731232.55, thence running westerly about 2.987 feet to the point of origin.

(16) WEYMOUTH-FORE AND TOWN RIVERS, MASSACHUSETTS.—The following portions of the project for navigation, Weymouth-Fore and Town Rivers, Boston Harbor, Massachusetts, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1089):

(A) The 35-foot deep channel beginning at a bend on the southern limit of the existing project, N457394.01, E741109.74, thence running westerly about 405.25 feet to a point, N457334.64, E740708.86, thence running southwesterly about 462.60 feet to another bend in the southern limit of the existing project, N457132.00, E740293.00, thence running northeasterly about 857.74 feet along the southern limit of the existing project to the point of origin.

(B) The 15 and 35-foot deep channels beginning at a point on the southern limit of the existing project, N457163.41, E739903.49, thence running northerly about 111.99 feet to a point, N457275.37, E739900.76, thence running westerly about 692.37 feet to a point, N457303.40, E739208.96, thence running southwesterly about 190.01 feet to another point on the southern limit of the existing project, N457233.17, E739032.41, thence running easterly about 873.87 feet along the southern limit of the existing project to the point of origin.

(17) COCHECO RIVER, NEW HAMPSHIRE.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 436), that consists of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01.

(18) MORRISTOWN HARBOR, NEW YORK.—The following portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Rivers and Harbors Act of January 21, 1927 (44 Stat. 1011): The portion that lies north of the north boundary of Morris Street extended.

(19) OSWEGATCHIE RIVER, OGDENSBURG NEW YORK.—The portion of the Federal channel of the project for navigation, Ogdensburg Harbor, New York, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 635), as modified by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1037), that is in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge upstream to the northernmost alignment of the Lake Street bridge.

(20) CONNEAUT HARBOR, OHIO.—The most southerly 300 feet of the 1,670-foot long Shore Arm of the project for navigation, Conneaut Harbor, Ohio, authorized by the first section of the Rivers and Harbors Appropriation Act of June 25, 1910 (36 Stat. 633).

(21) LORAIN SMALL BOAT BASIN, LAKE ERIE, OHIO.—The portion of the Federal navigation channel, Lorain Small Boat Basin, Lake Erie, Ohio, authorized pursuant to section 107 of the River and Harbor Act of 1960 (74 Stat. 486) that is situated in the State of Ohio, County of Lorain, Township of Black River and is a part of Original Black River Township Lot Number 1, Tract Number 1, further known as being submerged lands of Lake Erie owned by the State of Ohio and that is more definitely described as follows:

Commencing at a drill hole found on the centerline of Lakeside Avenue (60 feet in width) at the intersection of the centerline of the East Shorearm of Lorain Harbor, said

point is known as United States Army Corps of Engineers Monument No. 203 (N658012.20, E208953.88).

Thence, in a line north 75 degrees 26 minutes 12 seconds west, a distance of 387.87 feet to a point (N658109.73, E2089163.47). This point is hereinafter in this paragraph referred to as the "principal point of beginning".

Thence, north 58 degrees 14 minutes 11 seconds west, a distance of 50.00 feet to a point (N658136.05, E2089120.96).

Thence, south 67 degrees 49 minutes 32 seconds west, a distance of 665.16 feet to a point (N657885.00, E2088505.00).

Thence, north 88 degrees 13 minutes 52 seconds west, a distance of 551.38 feet to a point (N657902.02, E2087953.88).

Thence, north 29 degrees 17 minutes 42 seconds east, a distance of 114.18 feet to point (N658001.60, E2088009.75).

Thence, south 88 degrees 11 minutes 40 seconds east, a distance of 477.00 feet to a point (N657986.57, E2088486.51).

Thence, north 68 degrees 11 minutes 06 seconds east, a distance of 601.95 feet to a point (N658210.26, E2089045.35).

Thence, north 35 degrees 11 minutes 34 seconds east, a distance of 89.58 feet to a point (N658283.47, E2089096.98).

Thence, south 20 degrees 56 minutes 30 seconds east, a distance of 186.03 feet to the principal point of beginning (N658109.73, E2089163.47) and containing within such bounds 2.81 acres, more or less, of submerged land.

(22) APPONAUG COVE, WARWICK, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized under section 101 of the River and Harbor Act of 1960 (74 Stat. 480): The 6-foot channel bounded by coordinates N223269.93, E513089.12; N223348.31, E512799.54; N223251.78, E512773.41; and N223178.0, E513046.0.

(23) PORT WASHINGTON HARBOR, WISCONSIN.—The following portion of the navigation project for Port Washington Harbor, Wisconsin, authorized by the Rivers and Harbors Appropriations Act of July 11, 1870 (16 Stat. 223): Beginning at the northwest corner of project at Channel Pt. No. 36, of the Federal Navigation Project, Port Washington Harbor, Ozaukee County, Wisconsin, at coordinates N513529.68, E2535215.64, thence 188 degrees 31 minutes 59 seconds, a distance of 178.32 feet, thence 196 degrees 47 minutes 17 seconds, a distance of 574.80 feet, thence 270 degrees 58 minutes 25 seconds, a distance of 465.50 feet, thence 178 degrees 56 minutes 17 seconds, a distance of 130.05 feet, thence 87 degrees 17 minutes 05 seconds, a distance of 510.22 feet, thence 104 degrees 58 minutes 31 seconds, a distance of 178.33 feet, thence 115 degrees 47 minutes 55 seconds, a distance of 244.15 feet, thence 25 degrees 12 minutes 08 seconds, a distance of 310.00 feet, thence 294 degrees 46 minutes 50 seconds, a distance of 390.20 feet, thence 16 degrees 56 minutes 16 seconds, a distance of 570.90 feet, thence 266 degrees 01 minutes 25 seconds, a distance of 190.78 feet to Channel Pt. No. 36, point of beginning.

SEC. 502. PROJECT REAUTHORIZATIONS.

(a) GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.—The project for flood control, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized pursuant to section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary, except that the scope of the project

includes ground water protection and conservation, agricultural water supply, and waterfowl management.

(b) WHITE RIVER, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139) and deauthorized by section 52(b) of the Water Resources Development Act of 1988 (102 Stat. 4045), is authorized to be carried out by the Secretary.

(c) DES PLAINES RIVER, ILLINOIS.—The project for wetlands research, Des Plaines River, Illinois, authorized by section 45 of the Water Resources Development Act of 1988 (102 Stat. 4041) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(d) ALPENA HARBOR, MICHIGAN.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(e) ONTONAGON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(f) KNIFE RIVER HARBOR, MINNESOTA.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1974 (88 Stat. 41) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(g) CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 118) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

SEC. 503. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS.

(a) GENERAL RULE.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the following projects shall remain authorized to be carried out by the Secretary:

(1) CEDAR RIVER HARBOR, MICHIGAN.—The project for navigation, Cedar River Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(2) CROSS VILLAGE HARBOR, MICHIGAN.—The project for navigation, Cross Village Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 504. LAND CONVEYANCES.

(a) OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

(1) by inserting after paragraph (2) the following new paragraph:

“(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city in which such land rests. Such conveyance shall be at fair market value.”;

(2) by inserting after “right-of-way” the following: “or other rights deemed necessary by the Secretary”; and

(3) by adding at the end the following: “The conveyances and processes involved will be at no cost to the United States.”.

(b) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, for a sum of \$85,000 all right, title, and interest of the United States in and to a parcel of land (including improvements thereto) under the jurisdiction of the Corps of Engineers and known as the “Ohio River Division Laboratory”, as such parcel is described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States and credited as miscellaneous receipts.

(4) PROPERTY DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel situated in the State of Ohio, County of Hamilton, Township 4, Fractional Range 2, Miami Purchase, Columbia Township, Section 15, being parts of Lots 5 and 6 of the subdivision of the dower tract of the estate of Joseph Ferris as recorded in Plat Book 4, Page 112, of the Plat Records of Hamilton County, Ohio, Recorder's Office, and more particularly described as follows:

Beginning at an iron pin set to mark the intersection of the easterly line of Lot 5 of said subdivision of said dower tract with the northerly line of the right-of-way of the Norfolk and Western Railway Company as shown in Plat Book 27, Page 182, Hamilton County, Ohio, Surveyor's Office, thence with said northerly right-of-way line;

South 70 degrees 10 minutes 13 seconds west 258.52 feet to a point; thence leaving the northerly right-of-way of the Norfolk and Western Railway Company;

North 18 degrees 22 minutes 02 seconds west 302.31 feet to a point in the south line of Mariemont Avenue; thence along said south line;

North 72 degrees 34 minutes 35 seconds east 167.50 feet to a point; thence leaving the south line of Mariemont Avenue;

North 17 degrees 25 minutes 25 seconds west 49.00 feet to a point; thence

North 72 degrees 34 minutes 35 seconds east 100.00 feet to a point; thence

South 17 degrees 25 minutes 25 seconds east 49.00 feet to a point; thence

North 72 degrees 34 minutes 35 seconds east 238.90 feet to a point; thence

South 00 degrees 52 minutes 07 seconds east 297.02 feet to a point in the northerly line of the Norfolk and Western Railway Company; thence with said northerly right-of-way;

South 70 degrees 10 minutes 13 seconds west 159.63 feet to a point of beginning, containing 3.22 acres, more or less.

(c) EUFAULA LAKE, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the city of Eufaula, Oklahoma, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 12.5 acres located at the Eufaula Lake project.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the parcel (as determined by the Secretary) and payment of all costs of the United States in making the conveyance, including the costs of—

(A) the survey required under paragraph (4);

(B) any other necessary survey or survey monumentation;

(C) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(D) any coordination necessary with respect to requirements relating to endangered species, cultural resources, and clean air (including the costs of agency consultation and public hearings).

(3) LAND SURVEYS.—The exact acreage and description of the parcel to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary, which shall be carried out to the satisfaction of the Secretary.

(4) ENVIRONMENTAL BASELINE SURVEY.—Prior to making the conveyance under paragraph (1), the Secretary shall conduct an environmental baseline survey to determine the levels of any contamination (as of the date of the survey) for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable law.

(5) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance under paragraph (1) shall be subject to existing rights and to retention by the United States of a flowage easement over all portions of the parcel that lie at or below the flowage easement contour for the Eufaula Lake project.

(6) OTHER TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(d) BOARDMAN, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the city of Boardman, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of such city currently under lease to the Boardman Park and Recreation District.

(2) CONSIDERATION.—

(A) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, then title to such property shall revert to the Secretary.

(B) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in subparagraph (A) shall be conveyed at fair market value.

(3) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance of properties under this subsection shall be subject to existing first rights of refusal regarding acquisition of such properties and to retention of a flowage easement over portions of the properties that the Secretary determines to be necessary for operation of the project.

(4) OTHER TERMS AND CONDITIONS.—The conveyance of properties under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) TRI-CITIES AREA, WASHINGTON.—

(1) GENERAL AUTHORITY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in paragraph (2) of all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—

(A) BENTON COUNTY.—The property to be conveyed pursuant to paragraph (1) to Benton County, Washington, is the property in such county which is designated "Area D" on Exhibit A to Army Lease No. DACW-68-1-81-43.

(B) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to Franklin County, Washington, is—

(i) the 105.01 acres of property leased pursuant to Army Lease No. DACW-68-1-77-20 as executed by Franklin County, Washington, on April 7, 1977;

(ii) the 35 acres of property leased pursuant to Supplemental Agreement No. 1 to Army Lease No. DACW-68-1-77-20;

(iii) the 20 acres of property commonly known as "Richland Bend" which is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(iv) the 7.05 acres of property commonly known as "Taylor Flat" which is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(v) the 14.69 acres of property commonly known as "Byers Landing" which is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20; and

(vi) all levees within Franklin County, Washington, as of the date of the enactment of this Act, and the property upon which the levees are situated.

(C) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Kennewick, Washington, is the property within the city which is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(D) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed pursuant to paragraph (1), to the city of Richland, Washington, is the property within the city which is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(E) CITY OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1), to the city of Pasco, Washington, is—

(i) the property within the city of Pasco, Washington, which is leased pursuant to Army Lease No. DACW-68-1-77-10; and

(ii) all levees within such city, as of the date of the enactment of this Act, and the property upon which the levees are situated.

(F) PORT OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the Port of Pasco, Washington, is—

(i) the property owned by the United States which is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(ii) the property owned by the United States which is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(G) ADDITIONAL PROPERTIES.—In addition to properties described in subparagraphs (A) through (F), the Secretary may convey to a local government referred to in subparagraphs (A) through (F) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(3) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyances under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(B) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in paragraph (2)(B)(vi) shall be conveyed only after Franklin County, Washington, has entered into a written agreement with the Secretary which provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(C) SPECIAL RULE FOR CITY OF PASCO.—The property described in paragraph (2)(E)(i) shall be conveyed only after the city of Pasco, Washington, has entered into a written agreement with the Secretary which provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(D) CONSIDERATION.—

(1) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, then title to such property shall revert to the Secretary.

(2) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in clause (1) shall be conveyed at fair market value.

(4) LAKE WALLULA LEVEES.—

(A) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(1) CONTRACT.—Within 30 days after the date of the enactment of this Act, the Secretary shall contract with a private entity agreed to under clause (ii) to determine, within 6 months after such date of enactment, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(2) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under clause (1) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(B) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of such local government to a height not lower than the minimum safe height determined pursuant to subparagraph (A).

(F) APPLICABILITY OF OTHER LAWS.—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with all applicable provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act and other environmental laws.

SEC. 505. NAMINGS.

(a) MILT BRANDT VISITORS CENTER, CALIFORNIA.—

(1) DESIGNATION.—The visitors center at Warm Springs Dam, California, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192), shall be known and designated as the "Milt Brandt Visitors Center".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the "Milt Brandt Visitors Center".

(b) CARR CREEK LAKE, KENTUCKY.—

(1) DESIGNATION.—Carr Fork Lake in Knott County, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), shall be known and designated as the "Carr Creek Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "Carr Creek Lake".

(c) WILLIAM H. NATCHER BRIDGE, MACEO, KENTUCKY, AND ROCKPORT, INDIANA.—

(1) DESIGNATION.—The bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, shall be known and designated as the "William H. Natcher Bridge".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in paragraph (1) shall be deemed to be a reference to the "William H. Natcher Bridge".

(d) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—

(1) DESIGNATION.—Uniontown Lock and Dam, on the Ohio River, Indiana and Kentucky, shall be known and designated as the "John T. Myers Lock and Dam".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "John T. Myers Lock and Dam".

(e) J. EDWARD ROUSH LAKE, INDIANA.—

(1) REDESIGNATION.—The lake on the Wabash River in Huntington and Wells Counties, Indiana, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 312), and known as Huntington Lake, shall be known and designated as the "J. Edward Roush Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "J. Edward Roush Lake".

(f) RUSSELL B. LONG LOCK AND DAM, RED RIVER WATERWAY, LOUISIANA.—

(1) DESIGNATION.—Lock and Dam 4 of the Red River Waterway, Louisiana, shall be known and designated as the "Russell B. Long Lock and Dam".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

(g) **WILLIAM L. JESS DAM AND INTAKE STRUCTURE, OREGON.**—

(1) **DESIGNATION.**—The dam located at mile 153.6 on the Rogue River in Jackson County, Oregon, and commonly known as the Lost Creek Dam Lake Project, shall be known and designated as the "William L. Jess Dam and Intake Structure".

(2) **LEGAL REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the dam referred to in section 1 shall be deemed to be a reference to the "William L. Jess Dam and Intake Structure".

(h) **ABERDEEN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **DESIGNATION.**—The lock and dam at Mile 358 of the Tennessee-Tombigbee Waterway is designated as the "Aberdeen Lock and Dam".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Aberdeen Lock and Dam".

(i) **AMORY LOCK, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **DESIGNATION.**—Lock A at Mile 371 of the Tennessee-Tombigbee Waterway is designated as the "Amory Lock".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "Amory Lock".

(j) **FULTON LOCK, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **DESIGNATION.**—Lock C at Mile 391 of the Tennessee-Tombigbee Waterway is designated as the "Fulton Lock".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "Fulton Lock".

(k) **HOWELL HEFLIN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **REDESIGNATION.**—The lock and dam at Mile 266 of the Tennessee-Tombigbee Waterway, known as the Gainesville Lock and Dam, is redesignated as the "Howell Heflin Lock and Dam".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Howell Heflin Lock and Dam".

(l) **G.V. 'SONNY' MONTGOMERY LOCK, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **DESIGNATION.**—Lock E at Mile 407 of the Tennessee-Tombigbee Waterway is designated as the "G.V. 'Sonny' Montgomery Lock".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "G.V. 'Sonny' Montgomery Lock".

(m) **JOHN RANKIN LOCK, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **DESIGNATION.**—Lock D at Mile 398 of the Tennessee-Tombigbee Waterway is designated as the "John Rankin Lock".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "John Rankin Lock".

(n) **JOHN C. STENNIS LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **REDESIGNATION.**—The lock and dam at Mile 335 of the Tennessee-Tombigbee Water-

way, known as the Columbus Lock and Dam, is redesignated as the "John C. Stennis Lock and Dam".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "John C. Stennis Lock and Dam".

(o) **JAMIE WHITTEN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **REDESIGNATION.**—The lock and dam at Mile 412 of the Tennessee-Tombigbee Waterway, known as the Bay Springs Lock and Dam, is redesignated as the "Jamie Whitten Lock and Dam".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Jamie Whitten Lock and Dam".

(p) **GLOVER WILKINS LOCK, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **DESIGNATION.**—Lock B at Mile 376 of the Tennessee-Tombigbee Waterway is designated as the "Glover Wilkins Lock".

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "Glover Wilkins Lock".

SEC. 506. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary is authorized to provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) **SPECIFIC MEASURES.**—Assistance provided pursuant to subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for non-structural measures to reduce destructive impact of flooding.

(c) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance provided under this section shall be 50 percent.

(d) **PROJECT LOCATIONS.**—The Secretary may provide assistance under subsection (a) for projects at the following locations:

(1) Gila River and Tributaries, Santa Cruz River, Arizona.

(2) Rio Salado, Salt River, Phoenix and Tempe, Arizona.

(3) Colusa basin, California.

(4) Los Angeles River watershed, California.

(5) Russian River watershed, California.

(6) Sacramento River watershed, California.

(7) San Pablo Bay watershed, California.

(8) Nancy Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek basin, Georgia.

(9) Lower Platte River watershed, Nebraska.

(10) Juniata River watershed, Pennsylvania, including Raystown Lake.

(11) Upper Potomac River watershed, Grant and Mineral Counties, West Virginia.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to

carry out this section \$25,000,000 for fiscal years beginning after September 30, 1996.

SEC. 507. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148-4149) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following:

"(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

"(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

"(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth;

"(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit; and

"(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion."

SEC. 508. MAINTENANCE OF NAVIGATION CHANNELS.

(a) **IN GENERAL.**—Upon request of the non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by non-Federal interests if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Humboldt Harbor and Bay, Fields Landing Channel, California.

(2) Mare Island Strait, California; except that, for purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(3) Mississippi River Ship Channel, Chalmette Slip, Louisiana.

(4) Greenville Inner Harbor Channel, Mississippi.

(5) Providence Harbor Shipping Channel, Rhode Island.

(6) Matagorda Ship Channel, Point Comfort Turning Basin, Texas.

(7) Corpus Christi Ship Channel, Rincon Canal System, Texas.

(8) Brazos Island Harbor, Texas, connecting channel to Mexico.

(9) Blair Waterway, Tacoma Harbor, Washington.

(b) **COMPLETION OF ASSESSMENT.**—Within 6 months of receipt of a request from the non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 509. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (104 Stat. 4644) is amended to read as follows:

"SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

"(a) GREAT LAKES REMEDIAL ACTION PLANS.—

"(1) IN GENERAL.—The Secretary is authorized to provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by the State or local government in

the development and implementation of remedial action plans for areas of concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978.

"(2) NON-FEDERAL SHARE.—Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 50 percent of costs of activities for which assistance is provided under paragraph (1).

"(b) SEDIMENT REMEDIATION DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the Great Lakes National Program Office), may conduct pilot- and full-scale demonstration projects of promising techniques to remediate contaminated sediments in freshwater coastal regions in the Great Lakes basin. The Secretary must conduct no fewer than 3 full-scale demonstration projects under this subsection.

"(2) SITE SELECTION FOR DEMONSTRATION PROJECTS.—In selecting the sites for the technology demonstration projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan, Sheboygan Harbor, Wisconsin, Grand Calumet River, Indiana, Ashtabula River, Ohio, Buffalo River, New York, and Duluth/Superior Harbor, Minnesota.

"(3) DEADLINE FOR IDENTIFICATIONS.—Within 18 months after the date of the enactment of this subsection, the Secretary shall identify the sites and technologies to be demonstrated and complete each such full-scale demonstration project within 3 years after such date of enactment.

"(4) NON-FEDERAL SHARE.—Non-Federal interests shall contribute 50 percent of costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

"(5) AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1997 through 2000."

SEC. 510. GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL.

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall provide technical assistance to non-Federal interests on testing procedures contained in the Great Lakes Dredged Material Testing and Evaluation Manual developed pursuant to section 230.2(c) of title 40, Code of Federal Regulations.

SEC. 511. GREAT LAKES SEDIMENT REDUCTION.

(a) GREAT LAKES TRIBUTARY SEDIMENT TRANSPORT MODEL.—For each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978, the Secretary, in consultation and coordination with the Great Lakes States, shall develop a tributary sediment transport model.

(b) REQUIREMENTS FOR MODELS.—In developing a tributary sediment transport model under this section, the Secretary shall—

(1) build upon data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries; and

(2) complete models for 30 major river systems, either individually or in combination as part of a set, within the 5-year period beginning on the date of the enactment of this Act.

SEC. 512. GREAT LAKES CONFINED DISPOSAL FACILITIES.

(a) ASSESSMENT.—The Secretary shall conduct an assessment of the general conditions

of confined disposal facilities in the Great Lakes.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the assessment conducted under subsection (a), including the following:

(1) A description of the cumulative effects of confined disposal facilities in the Great Lakes.

(2) Recommendations for specific remediation actions for each confined disposal facility in the Great Lakes.

(3) An evaluation of, and recommendations for, confined disposal facility management practices and technologies to conserve capacity at such facilities and to minimize adverse environmental effects at such facilities throughout the Great Lakes system.

SEC. 513. CHESAPEAKE BAY RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program to provide to non-Federal interests in the Chesapeake Bay watershed technical, planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned and will be publicly operated and maintained.

(c) COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement pursuant to section 221 of the Flood Control Act of 1970 (84 Stat. 1818) with a non-Federal interest to provide for technical, planning, design, and construction assistance for the project.

(2) REQUIREMENTS.—Each agreement entered into pursuant to this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a plan, including appropriate engineering plans and specifications and an estimate of expected benefits.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) PROVISION OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interests for a project to which this section applies shall provide the lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(B) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest

for the value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of total project costs.

(C) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate with the heads of appropriate Federal agencies.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$15,000,000.

SEC. 514. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The jurisdiction of the Mississippi River Commission, established by the first section of the Act of June 28, 1879 (33 U.S.C. 641; 21 Stat. 37), is extended to include—

(1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;

(2) Alexander County, Illinois; and

(3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

SEC. 515. ALTERNATIVE TO ANNUAL PASSES.

(a) IN GENERAL.—The Secretary shall evaluate the feasibility of implementing an alternative to the \$25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

(b) ANNUAL PASS.—The evaluation under subsection (a) shall include the establishment of an annual pass which costs \$10 or less for the use of recreation facilities at Raystown Lake, Pennsylvania.

(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the project carried out under this section, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

SEC. 516. RECREATION PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—The Secretary shall promote Federal, non-Federal, and private sector cooperation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

(b) INFRASTRUCTURE IMPROVEMENTS.—

(1) RECREATION INFRASTRUCTURE IMPROVEMENTS.—In demonstrating the feasibility of the public-private cooperative, the Secretary shall provide, at Federal expense, such infrastructure improvements as are necessary to

support a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

(2) **AGREEMENT.**—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements constructed by the Secretary on non-project lands pursuant to paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$4,500,000 for fiscal years beginning after September 30, 1996.

(c) **REPORT.**—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the cooperative efforts carried out under this section, including the improvements required by subsection (b).

SEC. 517. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4836-4837) is amended by adding at the end the following new subsection:

"(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for providing construction assistance under this section—

"(1) \$10,000,000 for the project described in subsection (c)(5);

"(2) \$2,000,000 for the project described in subsection (c)(6);

"(3) \$10,000,000 for the project described in subsection (c)(7);

"(4) \$11,000,000 for the project described in subsection (c)(8);

"(5) \$20,000,000 for the project described in subsection (c)(16); and

"(6) \$20,000,000 for the project described in subsection (c)(17)."

SEC. 518. CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b); 100 Stat. 4157) is amended—

(1) by striking "\$5,000,000"; and inserting "\$10,000,000"; and

(2) in paragraph (4) by inserting "and Virginia" after "Maryland".

SEC. 519. PERIODIC BEACH NOURISHMENT.

The Secretary shall carry out periodic beach nourishment for each of the following projects for a period of 50 years beginning on the date of initiation of construction of such project:

(1) **BROWARD COUNTY, FLORIDA.**—Project for shoreline protection, segments II and III, Broward County, Florida.

(2) **FORT PIERCE, FLORIDA.**—Project for shoreline protection, Fort Pierce, Florida.

(3) **LEE COUNTY, FLORIDA.**—Project for shoreline protection, Lee County, Captiva Island segment, Florida.

(4) **PALM BEACH COUNTY, FLORIDA.**—Project for shoreline protection, Jupiter/Carlin, Ocean Ridge, and Boca Raton North Beach segments, Palm Beach County, Florida.

(5) **PANAMA CITY BEACHES, FLORIDA.**—Project for shoreline protection, Panama City Beaches, Florida.

(6) **TYBEE ISLAND, GEORGIA.**—Project for beach erosion control, Tybee Island, Georgia.

SEC. 520. CONTROL OF AQUATIC PLANTS.

The Secretary shall carry out under section 104(b) of the River and Harbor Act of 1958 (33 U.S.C. 610(b))—

(1) a program to control aquatic plants in Lake St. Clair, Michigan; and

(2) program to control aquatic plants in the Schuylkill River, Philadelphia, Pennsylvania.

SEC. 521. HOPPER DREDGES.

Section 3 of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following:

"(c) **PROGRAM TO INCREASE USE OF PRIVATE HOPPER DREDGES.**—

"(1) **INITIATION.**—The Secretary shall initiate a program to increase the use of private industry hopper dredges for the construction and maintenance of Federal navigation channels.

"(2) **READY RESERVE STATUS FOR HOPPER DREDGE WHEELER.**—In order to carry out the requirements of this subsection, the Secretary shall, not later than the earlier of 90 days after the date of completion of the rehabilitation of the hopper dredge McFarland pursuant to section 564 of the Water Resources Development Act of 1996 or October 1, 1997, place the Federal hopper dredge Wheeler in a ready reserve status.

"(3) **TESTING AND USE OF READY RESERVE HOPPER DREDGE.**—The Secretary may periodically perform routine tests of the equipment of the vessel placed in a ready reserve status under this subsection to ensure the vessel's ability to perform emergency work. The Secretary shall not assign any scheduled hopper dredging work to such vessel but shall perform any repairs needed to maintain the vessel in a fully operational condition. The Secretary may place the vessel in active status in order to perform any dredging work only in the event the Secretary determines that private industry has failed to submit a responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

"(4) **REPAIR AND REHABILITATION.**—The Secretary may undertake any repair and rehabilitation of any Federal hopper dredge, including the vessel placed in ready reserve status under paragraph (2) to allow the vessel to be placed into active status as provided in paragraph (3).

"(5) **PROCEDURES.**—The Secretary shall develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

"(A) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season; and

"(B) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs.

"(6) **REPORT.**—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall report to Congress on whether the vessel placed in ready reserve status pursuant to paragraph (2) is needed to be returned to active status or continued in a ready reserve status or whether another Federal hopper dredge should be placed in a ready reserve status.

"(7) **LIMITATIONS.**—

"(A) **REDUCTIONS IN STATUS.**—The Secretary may not further reduce the readiness status of any Federal hopper dredge below a ready reserve status except any vessel placed in such status for not less than 5 years which the Secretary determines has not been used sufficiently to justify retaining the vessel in such status.

"(B) **INCREASE IN ASSIGNMENTS OF DREDGING WORK.**—For each fiscal year beginning after the date of the enactment of this subsection, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in an active status than was

assigned to that vessel in the average of the 3 prior fiscal years.

"(8) **CONTRACTS; PAYMENT OF CAPITAL COSTS.**—The Secretary may enter into a contract for the maintenance and crewing of any vessel retained in a ready reserve status. The capital costs (including depreciation costs) of any vessel retained in such status shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers' Revolving Fund Account or any individual project cost unless the vessel is specifically used in connection with that project."

SEC. 522. DESIGN AND CONSTRUCTION ASSISTANCE.

The Secretary shall provide design and construction assistance to non-Federal interests for the following projects:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of \$2,500,000.

(2) Construction of a multi-purpose dam and reservoir, Bear Valley Dam, Franklin County, Pennsylvania, at an estimated total cost of \$15,000,000.

(3) Repair and upgrade of the dam and appurtenant features at Lake Merriweather, Little Calpasture River, Virginia, at an estimated total cost of \$6,000,000.

SEC. 523. FIELD OFFICE HEADQUARTERS FACILITIES.

Subject to amounts being made available in advance in appropriations Acts, the Secretary may use Plant Replacement and Improvement Program funds to design and construct a new headquarters facility for—

(1) the New England Division, Waltham, Massachusetts; and

(2) the Jacksonville District, Jacksonville, Florida.

SEC. 524. CORPS OF ENGINEERS RESTRUCTURING PLAN.

(a) **DIVISION OFFICE, CHICAGO, ILLINOIS.**—The Secretary shall continue to maintain a division office of the Corps of Engineers in Chicago, Illinois, notwithstanding any plan developed pursuant to title I of the Energy and Water Development Appropriations Act, 1996 (109 Stat. 405) to reduce the number of division offices. Such division office shall be responsible for the 5 district offices for which the division office was responsible on June 1, 1996.

(b) **DISTRICT OFFICE, ST. LOUIS, MISSOURI.**—The Secretary shall not reassign the St. Louis District of the Corps of Engineers from the operational control of the Lower Mississippi Valley Division.

SEC. 525. LAKE SUPERIOR CENTER.

(a) **CONSTRUCTION.**—The Secretary, shall assist the Minnesota Lake Superior Center authority in the construction of an educational facility to be used in connection with efforts to educate the public in the economic, recreational, biological, aesthetic, and spiritual worth of Lake Superior and other large bodies of fresh water.

(b) **PUBLIC OWNERSHIP.**—Prior to providing any assistance under subsection (a), the Secretary shall verify that the facility to be constructed under subsection (a) will be owned by the public authority established by the State of Minnesota to develop, operate, and maintain the Lake Superior Center.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, \$10,000,000 for the construction of the facility under subsection (a).

SEC. 526. JACKSON COUNTY, ALABAMA.

The Secretary shall provide technical, planning, and design assistance to non-Federal interests for wastewater treatment and

related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related activities in Jackson County, Alabama, including the city of Stevenson. The Federal cost of such assistance may not exceed \$5,000,000.

SEC. 527. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXTENSION.

The Secretary shall establish an extension of the Earthquake Preparedness Center of Expertise for the central United States at an existing district office of the Corps of Engineers near the New Madrid fault.

SEC. 528. QUARANTINE FACILITY.

Section 108(c) of the Water Resources Development Act of 1992 (106 Stat. 4816) is amended by striking "\$1,000,000" and inserting "\$4,000,000".

SEC. 529. BENTON AND WASHINGTON COUNTIES, ARKANSAS.

Section 220 of the Water Resources Development Act of 1992 (106 Stat. 4836-4837) is amended by adding at the end the following new subsection:

"(c) USE OF FEDERAL FUNDS.—The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to the Federal share of the total project cost to be used by the non-Federal interests to undertake the work directly or by contract."

SEC. 530. CALAVERAS COUNTY, CALIFORNIA.

(a) COOPERATION AGREEMENTS.—The Secretary shall enter into cooperation agreements with non-Federal interests to develop and carry out, in cooperation with Federal and State agencies, reclamation and protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines in the watershed of the lower Mokelumne River in Calaveras County, California.

(b) CONSULTATION WITH FEDERAL ENTITIES.—Any project under subsection (a) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(c) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under cooperation agreements entered into under subsection (a) shall be 75 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent. The non-Federal share of project costs may be provided in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for projects undertaken under this section.

SEC. 531. FARMINGTON DAM, CALIFORNIA.

(a) CONJUNCTIVE USE STUDY.—The Secretary is directed to continue participation in the Stockton, California Metropolitan Area Flood Control study to include the evaluation of the feasibility of storage of water at Farmington Dam to implement a conjunctive use plan. In conducting the study, the Secretary shall consult with the Stockton East Water District concerning joint operation or potential transfer of Farmington Dam. The Secretary shall make recommendations on facility transfers and operational alternatives as part of the Secretary's report to Congress.

(b) REPORT.—The Secretary shall report to Congress, no later than 1 year after the date

of the enactment of this Act, on the feasibility of a conjunctive use plan using Farmington Dam for water storage.

SEC. 532. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.

The non-Federal share for a project to add water conservation to the existing Los Angeles County Drainage Area, California, project shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

SEC. 533. PRADO DAM SAFETY IMPROVEMENTS, CALIFORNIA.

The Secretary, in coordination with the State of California, shall provide technical assistance to Orange County, California, in developing appropriate public safety and access improvements associated with that portion of California State Route 71 being relocated for the Prado Dam feature of the project authorized as part of the project for flood control, Santa Ana River Mainstem, California, by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113).

SEC. 534. SEVEN OAKS DAM, CALIFORNIA.

The non-Federal share for a project to add water conservation to the Seven Oaks Dam, Santa Ana River Mainstem, California, project shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

SEC. 535. MANATEE COUNTY, FLORIDA.

The project for flood control, Cedar Hammock (Wares Creek), Florida, is authorized to be carried out by the Secretary substantially in accordance with the Final Detailed Project Report and Environmental Assessment, dated April 1995, at a total cost of \$13,846,000, with an estimated first Federal cost of \$8,783,000 and an estimated non-Federal cost of \$5,063,000.

SEC. 536. TAMPA, FLORIDA.

The Secretary may enter into a cooperative agreement under section 230 of this Act with the Museum of Science and Industry, Tampa, Florida, to provide technical, planning, and design assistance to demonstrate the water quality functions found in wetlands, at an estimated total Federal cost of \$500,000.

SEC. 537. WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA.

(a) DEVELOPMENT.—The Secretary, in consultation with the Natural Resources Conservation Service of the Department of Agriculture, shall develop a watershed management plan for the Deep River Basin, Indiana, which includes Deep River, Lake George, Turkey Creek, and other related tributaries in Indiana.

(b) CONTENTS.—The plan to be developed by the Secretary under subsection (a) shall address specific concerns related to the Deep River Basin area, including sediment flow into Deep River, Turkey Creek, and other tributaries; control of sediment quality in Lake George; flooding problems; the safety of the Lake George Dam; and watershed management.

SEC. 538. SOUTHERN AND EASTERN KENTUCKY.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in southern and eastern Kentucky. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern and eastern Kentucky, including projects for wastewater treatment and relat-

ed facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal, except that the non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest before entry into the agreement with the Secretary. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for such non-Federal interest to provide the non-Federal share of the project's cost.

(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs, including for costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHERN AND EASTERN KENTUCKY DEFINED.—For purposes of this section, the term "southern and eastern Kentucky" means Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, and Letcher Counties, Kentucky.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.

SEC. 539. LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.

Section 303(f) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782-4783) is amended—

(1) in paragraph (4) by striking “and (3)” and inserting “(3), and (5)”; and

(2) by adding at the end the following:

“(5) FEDERAL SHARE IN CALENDAR YEARS 1996 AND 1997.—Notwithstanding paragraphs (1) and (2), amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this section in calendar years 1996 and 1997 shall provide 90 percent of the cost of such projects.”

SEC. 540. SOUTHEAST LOUISIANA.

(a) FLOOD CONTROL.—The Secretary is directed to proceed with engineering, design, and construction of projects to provide for flood control and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports of the New Orleans District Engineer: Jefferson and Orleans Parishes, Louisiana, Urban Flood Control and Water Quality Management, July 1992; Tangipahoa, Teche, and Tickfaw Rivers, Louisiana, June 1991; St. Tammany Parish, Louisiana, July 1996; and Schneider Canal, Slidell, Louisiana, Hurricane Protection, May 1990.

(b) COST SHARING.—The cost of any work performed by the non-Federal interests subsequent to the reports referred to in subsection (a) and determined by the Secretary to be a compatible and integral part of the projects shall be credited toward the non-Federal share of the projects.

(c) FUNDING.—There is authorized to be appropriated \$100,000,000 for the initiation and partial accomplishment of projects described in the reports referred to in subsection (a).

SEC. 541. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA.

(a) IN GENERAL.—

(1) COOPERATION AGREEMENTS.—The Secretary shall enter into cooperation agreements with non-Federal interests to develop and carry out, in cooperation with Federal and State agencies, reclamation and protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines along—

(A) the North Branch of the Potomac River, Maryland, Pennsylvania, and West Virginia; and

(B) the New River, West Virginia, watershed.

(2) ADDITIONAL MEASURES.—Projects under paragraph (1) may also include measures for the abatement and mitigation of surface water quality degradation caused by the lack of sanitary wastewater treatment facilities or the need to enhance such facilities.

(3) CONSULTATION WITH FEDERAL ENTITIES.—Any project under paragraph (1) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(b) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under cooperation agreements entered into under subsection (a)(1) shall be 75 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent. The non-Federal share of project costs may be provided

in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for projects undertaken under subsection (a)(1)(A) and \$5,000,000 for projects undertaken under subsection (a)(1)(B).

SEC. 542. CUMBERLAND, MARYLAND.

The Secretary is directed to provide technical, planning, and design assistance to State, local, and other Federal entities for the restoration of the Chesapeake and Ohio Canal, in the vicinity of Cumberland, Maryland.

SEC. 543. BENEFICIAL USE OF DREDGED MATERIAL, POPLAR ISLAND, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, pursuant to section 204 of the Water Resources Development Act of 1992; except that, notwithstanding the limitation contained in subsection (e) of such section, the initial cost of constructing dikes for the project shall be \$78,000,000, with an estimated Federal cost of \$58,500,000 and an estimated non-Federal cost of \$19,500,000.

SEC. 544. EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND.

(a) IN GENERAL.—The Secretary shall implement erosion control measures in the vicinity of Rhodes Point, Smith Island, Maryland, at an estimated total Federal cost of \$450,000.

(b) IMPLEMENTATION ON EMERGENCY BASIS.—The project under subsection (a) shall be carried out on an emergency basis in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in infrastructure facilities.

(c) COST SHARING.—Cost sharing applicable to hurricane and storm damage reduction shall be applicable to the project to be carried out under subsection (a).

SEC. 545. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary shall develop and implement alternative methods for decontamination and disposal of contaminated dredged material at the Port of Duluth, Minnesota.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, to carry out this section \$1,000,000. Such sums shall remain available until expended.

SEC. 546. REDWOOD RIVER BASIN, MINNESOTA.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture and the State of Minnesota, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and non-structural measures to reduce flood damages, improve water quality, and create wildlife habitat in the Redwood River basin and the subbasins draining into the Minnesota River, at an estimated Federal cost of \$4,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) COOPERATION AGREEMENT.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal,

State, and local government agencies, including activities for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 547. NATCHEZ BLUFFS, MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall carry out the project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi, substantially in accordance with (1) the Natchez Bluffs Study, dated September 1985, (2) the Natchez Bluffs Study: Supplement I, dated June 1990, and (3) the Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in subsection (b), at a total cost of \$17,200,000, with an estimated Federal cost of \$12,900,000 and an estimated non-Federal cost of \$4,300,000.

(b) DESCRIPTION OF PROJECT LOCATION.—The portions of the Natchez Bluffs where the project is to be carried out under subsection (a) are described in the studies referred to in subsection (a) as—

(1) Clifton Avenue, area 3;

(2) the bluff above Silver Street, area 6;

(3) the bluff above Natchez Under-the-Hill, area 7; and

(4) Madison Street to State Street, area 4.

SEC. 548. SARDIS LAKE, MISSISSIPPI.

(a) MANAGEMENT.—The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis, Mississippi, to the maximum extent practicable, in the management of existing and proposed leases of land consistent with the Sardis Lake Recreation and Tourism Master Plan prepared by the city for the economic development of the Sardis Lake area.

(b) FLOOD CONTROL STORAGE.—The Secretary shall review the study conducted by the city of Sardis, Mississippi, regarding the impact of the Sardis Lake Recreation and Tourism Master Plan prepared by the city on flood control storage in Sardis Lake. The city shall not be required to reimburse the Secretary for the cost of such storage, or the cost of the Secretary's review, if the Secretary finds that the loss of flood control storage resulting from implementation of the master plan is not significant.

SEC. 549. MISSOURI RIVER MANAGEMENT.

(a) NAVIGATION SEASON EXTENSION.—

(1) INCREASES.—The Secretary, working with the Secretary of Agriculture and the Secretary of the Interior, shall incrementally increase the length of each navigation season for the Missouri River by 15 days from the length of the previous navigation season and those seasons thereafter, until such time as the navigation season for the Missouri River is increased by 1 month from the length of the navigation season on April 1, 1996.

(2) APPLICATION OF INCREASES.—Increases in the length of the navigation season under paragraph (1) shall be applied in calendar year 1996 so that the navigation season in such calendar year for the Missouri River begins on April 1, 1996, and ends on December 15, 1996.

(3) ADJUSTMENT OF NAVIGATION LEVELS.—Scheduled full navigation levels shall be incrementally increased to coincide with increases in the navigation season under paragraph (1).

(b) WATER CONTROL POLICIES AFFECTING NAVIGATION CHANNELS.—The Secretary may not take any action which is inconsistent with a water control policy of the Corps of Engineers in effect on January 1, 1995, if such action would result in—

(1) a reduction of 10 days or more in the total number of days in a year during which vessels are able to use navigation channels; or

(2) a substantial increase in flood damage to lands adjacent to a navigation channel, unless such action is specifically authorized by a law enacted after the date of the enactment of this Act.

(c) **ECONOMIC AND ENVIRONMENTAL IMPACT EVALUATION.**—Whenever a Federal department, agency, or instrumentality conducts an environmental impact statement with respect to management of the Missouri River system, the head of such department, agency, or instrumentality shall also conduct a cost benefit analysis on any changes proposed in the management of the Missouri River.

SEC. 550. ST. CHARLES COUNTY, MISSOURI, FLOOD PROTECTION.

(a) **IN GENERAL.**—Notwithstanding any other provision of law or regulation, no county located at the confluence of the Missouri and Mississippi Rivers or community located in any county located at the confluence of the Missouri and Mississippi Rivers shall have its participation in any Federal program suspended, revoked, or otherwise affected solely due to that county or community permitting the raising of levees by any public-sponsored levee district, along an alignment approved by the circuit court of such county, to a level sufficient to contain a 20-year flood.

(b) **TREATMENT OF EXISTING PERMITS.**—If any public-sponsored levee district has received a Federal permit valid during the Great Flood of 1993 to improve or modify its levee system before the date of the enactment of this Act, such permit shall be considered adequate to allow the raising of the height of levees in such system under subsection (a).

SEC. 551. DURHAM, NEW HAMPSHIRE.

The Secretary may enter into a cooperative agreement under section 230 of this Act with the University of New Hampshire to provide technical assistance for a water treatment technology center addressing the needs of small communities.

SEC. 552. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324(b)(1) of the Water Resources Development Act of 1992 (106 Stat. 4849) is amended to read as follows:

"(1) Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem."

SEC. 553. AUTHORIZATION OF DREDGE MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK/NEW JERSEY.

(a) **IN GENERAL.**—The Secretary is authorized to construct, operate, and maintain a dredged material containment facility with a capacity commensurate with the long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of New York/New Jersey. Such facility may be a near-shore dredged material disposal facility along the Brooklyn waterfront. The costs associated with feasibility studies, design, engineering, and construction shall be shared with the local sponsor in accordance with the provisions of section 101 of the Water Resources Development Act of 1986.

(b) **BENEFICIAL USE.**—After the facility to be constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

SEC. 554. HUDSON RIVER HABITAT RESTORATION, NEW YORK.

(a) **HABITAT RESTORATION PROJECT.**—The Secretary shall expedite the feasibility study

of the Hudson River Habitat Restoration, Hudson River Basin, New York, and shall carry out no fewer than 4 projects for habitat restoration, to the extent the Secretary determines such work to be technically feasible. Such projects shall be designed to—

(1) provide a pilot project to assess and improve habitat value and environmental outputs of recommended projects;

(2) provide a demonstration project to evaluate various restoration techniques for effectiveness and cost;

(3) fill an important local habitat need within a specific portion of the study area; and

(4) take advantage of ongoing or planned actions by other agencies, local municipalities, or environmental groups that would increase the effectiveness or decrease the overall cost of implementing one of the recommended restoration project sites.

(b) **NON-FEDERAL SHARE.**—Non-Federal interests shall provide 25 percent of the cost on each project undertaken under subsection (a). The non-Federal share may be in the form of cash or in-kind contributions.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$11,000,000.

SEC. 555. QUEENS COUNTY, NEW YORK.

(a) **DESCRIPTION OF NONNAVIGABLE AREA.**—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the "11th Street Basin") and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) **REQUIREMENT THAT AREA BE IMPROVED.**—

(1) **IN GENERAL.**—The declaration of non-navigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) **APPLICABILITY OF FEDERAL LAW.**—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) **EXPIRATION DATE.**—The declaration of non-navigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of the enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law and the improvement is not commenced by the date

that is 5 years after the date of issuance of the permit.

SEC. 556. NEW YORK BIGHT AND HARBOR STUDY.

Section 326(f) of the Water Resources Development Act of 1992 (106 Stat. 4851) is amended by striking "\$1,000,000" and inserting "\$5,000,000".

SEC. 557. NEW YORK STATE CANAL SYSTEM.

(a) **IN GENERAL.**—The Secretary is authorized to make capital improvements to the New York State Canal System.

(b) **AGREEMENTS.**—The Secretary shall, with the consent of appropriate local and State entities, enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State Canal System and its related facilities, including trillside facilities and other recreational projects along the waterways of the canal system.

(c) **NEW YORK STATE CANAL SYSTEM DEFINED.**—In this section, the term "New York State Canal System" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

(d) **FEDERAL SHARE.**—The Federal share of the cost of capital improvements under this section shall be 50 percent.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000.

SEC. 558. NEW YORK CITY WATERSHED.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in the New York City Watershed.

(2) **FORM.**—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) **ELIGIBLE PROJECTS.**—

(1) **CERTIFICATION.**—A project shall be eligible for financial assistance under this section only if the State director for the project certifies to the Secretary that the project will contribute to the protection and enhancement of the quality or quantity of the New York City water supply.

(2) **SPECIAL CONSIDERATION.**—In certifying projects to the Secretary, the State director shall give special consideration to those projects implementing plans, agreements, and measures which preserve and enhance the economic and social character of the watershed communities.

(3) **PROJECT DESCRIPTIONS.**—Projects eligible for assistance under this section shall include the following:

(A) Implementation of intergovernmental agreements for coordinating regulatory and management responsibilities.

(B) Acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use.

(C) Acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality.

(D) Natural resources stewardship on public and private lands to promote land uses

that preserve and enhance the economic and social character of the watershed communities and protect and enhance water quality.

(d) COOPERATION AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with the State director for the project to be carried out with such assistance.

(e) COST SHARING.—

(1) IN GENERAL.—Total project costs under each agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into the agreement with the Secretary for a project. The Federal share may be in the form of grants or reimbursements of project costs.

(2) INTEREST.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest costs incurred to provide the non-Federal share of a project's cost.

(3) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs, including direct costs associated with obtaining permits necessary for the placement of such project on public owned or controlled lands, but not to exceed 25 percent of total project costs.

(4) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2000, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether such program should be implemented on a national basis.

(h) NEW YORK CITY WATERSHED DEFINED.—For purposes of this section, the term "New York City Watershed" means the land area within the counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Westchester, Putnam, and Dutchess which contributes water to the water supply system of New York City.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000.

SEC. 559. OHIO RIVER GREENWAY.

(a) EXPEDITED COMPLETION OF STUDY.—The Secretary is directed to expedite the completion of the study for the Ohio River Greenway, Jeffersonville, Clarksville, and New Albany, Indiana.

(b) CONSTRUCTION.—Upon completion of the study, if the Secretary determines that the project is feasible, the Secretary shall participate with the non-Federal interests in the construction of the project.

(c) COST SHARING.—Total project costs under this section shall be shared at 50 percent Federal and 50 percent non-Federal.

(d) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, relocations, and dredged ma-

terial disposal areas necessary for the project.

(e) CREDIT.—The non-Federal interests shall receive credit for those costs incurred by the non-Federal interests that the Secretary determines are compatible with the study, design, and implementation of the project.

SEC. 560. NORTHEASTERN OHIO.

The Secretary is authorized to provide technical assistance to local interests for planning the establishment of a regional water authority in northeastern Ohio to address the water problems of the region. The Federal share of the costs of such planning shall not exceed 75 percent.

SEC. 561. GRAND LAKE, OKLAHOMA.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Army shall carry out and complete a study of flood control in Grand/Neosho Basin and tributaries in the vicinity of Pensacola Dam in northeastern Oklahoma to determine the scope of the backwater effects of operation of the dam and to identify any lands which the Secretary determines have been adversely impacted by such operation or should have been originally purchased as flowage easement for the project.

(b) ACQUISITION OF REAL PROPERTY.—Upon completion of the study and subject to advance appropriations, the Secretary shall acquire from willing sellers such real property interests in any lands identified in the study as the Secretary determines are necessary to reduce the adverse impacts identified in the study conducted under subsection (a).

(c) IMPLEMENTATION REPORTS.—The Secretary shall transmit to Congress reports on the operation of the Pensacola Dam, including data on and a description of releases in anticipation of flooding (referred to as preoccupancy releases), and the implementation of this section. The first of such reports shall be transmitted not later than 2 years after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal years beginning after September 30, 1996.

(2) MAXIMUM FUNDING FOR STUDY.—Of amounts appropriated to carry out this section, not to exceed \$1,500,000 shall be available for carrying out the study under subsection (a).

SEC. 562. BROAD TOP REGION OF PENNSYLVANIA.

Section 304 of the Water Resources Development Act of 1992 (106 Stat. 4840) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) COST SHARING.—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a) shall be 75 percent. The non-Federal share of project costs may be provided in the form of design and construction services and other in-kind work provided by the non-Federal interests, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary. Non-Federal interests shall receive credit for grants and the value of work performed on behalf of such interests by State and local agencies."; and

(2) in subsection (c) by striking "\$5,500,000" and inserting "\$11,000,000".

SEC. 563. CURWENSVILLE LAKE, PENNSYLVANIA.

The Secretary shall modify the allocation of costs for the water reallocation project at Curwensville Lake, Pennsylvania, to the extent that the Secretary determines that such

reallocation will provide environmental restoration benefits in meeting in-stream flow needs in the Susquehanna River basin.

SEC. 564. HOPPER DREDGE MCFARLAND.

(a) PROJECT AUTHORIZATION.—The Secretary is authorized to carry out a project at the Philadelphia Naval Shipyard, Pennsylvania, to make modernization and efficiency improvements to the hopper dredge McFarland.

(b) REQUIREMENTS.—In carrying out the project under subsection (a), the Secretary shall—

(1) determine whether the McFarland should be returned to active service or the reserve fleet after the project is completed; and

(2) establish minimum standards of dredging service to be met in areas served by the McFarland while the drydocking is taking place.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 565. PHILADELPHIA, PENNSYLVANIA.

(a) WATER WORKS RESTORATION.—

(1) IN GENERAL.—The Secretary shall provide planning, design, and construction assistance for the protection and restoration of the Philadelphia, Pennsylvania Water Works.

(2) COORDINATION.—In providing assistance under this subsection, the Secretary shall coordinate with the Fairmount Park Commission and the Secretary of the Interior.

(3) FUNDING.—There is authorized to be appropriated to carry out this subsection \$1,000,000 for fiscal years beginning after September 30, 1996.

(b) COOPERATION AGREEMENT FOR SCHUYLKILL NAVIGATION CANAL.—

(1) IN GENERAL.—The Secretary shall enter into a cooperation agreement with the city of Philadelphia, Pennsylvania, to participate in the operation, maintenance, and rehabilitation of the Schuylkill Navigation Canal at Manayunk.

(2) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of the operation, maintenance, and rehabilitation under paragraph (1) shall not exceed \$300,000 annually.

(3) AREA INCLUDED.—For purposes of this subsection, the Schuylkill Navigation Canal includes the section approximately 10,000 feet long extending between Lock and Fountain Streets, Philadelphia, Pennsylvania.

(c) SCHUYLKILL RIVER PARK.—

(1) ASSISTANCE.—The Secretary is authorized to provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania.

(2) FUNDING.—There is authorized to be appropriated \$2,700,000 to carry out this subsection.

(d) PENNYPACK PARK.—

(1) ASSISTANCE.—The Secretary is authorized to provide technical, design, construction, and financial assistance for measures for the improvement and restoration of aquatic habitats and aquatic resources at Pennypack Park, Philadelphia, Pennsylvania.

(2) COOPERATION AGREEMENTS.—In providing assistance under this subsection, the Secretary shall enter into cooperation agreements with the city of Philadelphia, acting through the Fairmount Park Commission.

(3) FUNDING.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, \$15,000,000 to carry out this subsection.

(e) FRANKFORD DAM.—

(1) **COOPERATION AGREEMENTS.**—The Secretary shall enter into cooperation agreements with the city of Philadelphia, Pennsylvania, acting through the Fairmount Park Commission, to provide assistance for the elimination of the Frankford Dam, the replacement of the Rhawn Street Dam, and modifications to the Roosevelt Dam and the Verree Road Dam.

(2) **FUNDING.**—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, \$900,000, to carry out this subsection.

SEC. 566. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) **STUDY AND STRATEGY DEVELOPMENT.**—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damages, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) the Juniata River watershed, Pennsylvania, at an estimated Federal cost of \$15,000,000; and

(2) the Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of \$10,000,000.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) **COOPERATION AGREEMENTS.**—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including activities for the implementation of wetland restoration projects and soil and water conservation measures.

(d) **IMPLEMENTATION.**—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 567. SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA.

(a) **IN GENERAL.**—The Secretary shall construct a visitors center and related public use facilities at the Seven Points Recreation Area at Raystown Lake, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the Raystown Lake Project.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000.

SEC. 568. SOUTHEASTERN PENNSYLVANIA.

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in southeastern Pennsylvania. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southeastern Pennsylvania, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) **LOCAL COOPERATION AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement

with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.

(B) **INTEREST.**—In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(C) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.**—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

(D) **OPERATION AND MAINTENANCE.**—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(e) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(f) **REPORT.**—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) **SOUTHEASTERN PENNSYLVANIA DEFINED.**—For purposes of this section, the term "Southeastern Pennsylvania" means Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pennsylvania.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal years beginning after September 30, 1996. Such sums shall remain available until expended.

SEC. 569. WILLS CREEK, HYNDMAN, PENNSYLVANIA.

The Secretary shall carry out a project for flood control, Wills Creek, Borough of Hyndman, Pennsylvania, at an estimated total cost of \$5,000,000. For purposes of sec-

tion 209 of the Flood Control Act of 1970 (84 Stat. 1829), benefits attributable to the national economic development objectives set forth in such section shall include all primary, secondary, and tertiary benefits attributable to the flood control project authorized by this section regardless of to whom such benefits may accrue.

SEC. 570. BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS.

(a) **IN GENERAL.**—The Secretary, in coordination with Federal, State, and local interests, shall provide technical, planning, and design assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor, Rhode Island, and Massachusetts.

(b) **FEDERAL SHARE.**—Funds made available under this section for planning and design of a project may not exceed 75 percent of the total cost of such planning and design.

SEC. 571. EAST RIDGE, TENNESSEE.

The Secretary shall review the flood management study for the East Ridge and Hamilton County area undertaken by the Tennessee Valley Authority and shall carry out the project at an estimated total cost of \$25,000,000.

SEC. 572. MURFREESBORO, TENNESSEE.

The Secretary shall carry out a project for environmental enhancement, Murfreesboro, Tennessee, in accordance with the Report and Environmental Assessment, Black Fox, Murfree and Oaklands Spring Wetlands, Murfreesboro, Rutherford County, Tennessee, dated August 1994.

SEC. 573. BUFFALO BAYOU, TEXAS.

The non-Federal interest for the projects for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258), and Buffalo Bayou and tributaries, Texas, authorized by section 101 of the Water Resources Development Act of 1990 (104 Stat. 4610), may be reimbursed by up to \$5,000,000 or may receive a credit of up to \$5,000,000 against required non-Federal project cost-sharing contributions for work performed by the non-Federal interest at each of the following locations if such work is compatible with the following authorized projects: White Oak Bayou, Brays Bayou, Hunting Bayou, Garners Bayou, and the Upper Reach on Greens Bayou.

SEC. 574. SAN ANTONIO RIVER, TEXAS.

Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority an amount not to exceed \$5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of the enactment of this Act.

SEC. 575. NEABSCO CREEK, VIRGINIA.

The Secretary shall carry out a project for flood control, Neabasco Creek Watershed, Prince William County, Virginia, at an estimated total cost of \$1,500,000.

SEC. 576. TANGIER ISLAND, VIRGINIA.

The Secretary is directed to design and construct a breakwater at the North Channel on Tangier Island, Virginia, at a total cost of \$1,200,000, with an estimated Federal cost of \$900,000 and an estimated non-Federal cost of \$300,000. Congress finds that in view of the historic preservation benefits resulting from the project authorized by this section, the overall benefits of the project exceed the costs of the project.

SEC. 577. HARRIS COUNTY, TEXAS.

(a) **IN GENERAL.**—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project.

(b) **SPECIFIC PROJECTS.**—The projects to which subsection (a) apply are—

(1) the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610);

(2) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014); and

(3) the project for flood control, Buffalo Bayou Basin, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258).

SEC. 578. PIERCE COUNTY, WASHINGTON.

(a) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to Pierce County, Washington, to address measures that are necessary to assure that non-Federal levees are adequately maintained and satisfy eligibility criteria for rehabilitation assistance under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n; 55 Stat. 650). Such assistance shall include a review of the requirements of the Puyallup Tribe of Indians Settlement Act of 1989 (Public Law 101-41) and standards for project maintenance and vegetation management used by the Secretary to determine eligibility for levee rehabilitation assistance with a view toward amending such standards as needed to make non-Federal levees eligible for assistance that may be necessary as a result of future flooding.

(b) **LEVEE REHABILITATION.**—The Secretary shall expedite a review to determine the extent to which requirements of the Puyallup Tribe of Indians Settlement Act of 1989 limited the ability of non-Federal interests to adequately maintain existing non-Federal levees that were damaged by flooding in 1995 and 1996 and, to the extent that such ability was limited by such Act, the Secretary shall carry out the rehabilitation of such levees.

SEC. 579. WASHINGTON AQUEDUCT.

(a) **REGIONAL ENTITY.**—

(1) **IN GENERAL.**—Congress encourages the non-Federal public water supply customers of the Washington Aqueduct to establish a non-Federal public or private entity, or to enter into an agreement with an existing non-Federal public or private entity, to receive title to the Washington Aqueduct and to operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of such customers.

(2) **CONSENT OF CONGRESS.**—Congress grants consent to the jurisdictions which are customers of the Washington Aqueduct to establish a non-Federal entity to receive title to the Washington Aqueduct and to operate, maintain, and manage the Washington Aqueduct.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this subsection shall preclude the jurisdictions referred to in this subsection from pursuing alternative options regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(b) **PROGRESS REPORT AND PLAN.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress in achieving the objectives of subsection (a) and a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a non-Federal public or private entity. Such plan shall include a transfer of ownership, operation, maintenance, and management of the Washington Aqueduct that is consistent with the provisions of this section and a detailed consideration of any proposal to transfer such ownership or operation, maintenance, or management to a private entity.

(c) **TRANSFER.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transfer, without consideration but subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States and the non-Federal public water supply customers, all right, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, equipment, supplies, and personnel—

(A) to a non-Federal public or private entity established pursuant to subsection (a); or

(B) in the event no entity is established pursuant to subsection (a), a non-Federal public or private entity selected by the Secretary which reflects, to the extent possible, a consensus among the non-Federal public water supply customers.

(2) **TRANSFEREE SELECTION CRITERIA.**—The selection of a non-Federal public or private entity under paragraph (1)(B) shall be based on technical, managerial, and financial capabilities and on consultation with the non-Federal public water supply customers and after opportunity for public input.

(3) **ASSUMPTION OF RESPONSIBILITIES.**—The entity to whom transfer under paragraph (1) is made shall assume full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with its intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Washington Aqueduct service area.

(4) **EXTENSION.**—Notwithstanding the 2-year deadline established in paragraph (1), the Secretary may provide a 1-time 6-month extension of such deadline if the Secretary determines that the non-Federal public water supply customers are making progress in establishing an entity pursuant to subsection (a) and that such an extension would likely result in the establishment of such an entity.

(d) **INTERIM BORROWING AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), there is authorized to be appropriated to the Secretary for fiscal years 1997 and 1998 borrowing authority in amounts sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements during such fiscal years for the Washington Aqueduct to assure its continued operation until such time as the transfer under subsection (c) has taken place, provided that such amounts do not exceed \$16,000,000 for fiscal year 1997 and \$54,000,000 for fiscal year 1998.

(2) **TERMS AND CONDITIONS.**—The borrowing authority under paragraph (1) shall be provided to the Secretary by the Secretary of the Treasury under such terms and conditions as the Secretary of the Treasury determines to be necessary in the public interest and may be provided only after each of the non-Federal public water supply customers of the Washington Aqueduct has entered into a contractual agreement with the Secretary to pay its pro rata share of the costs associated with such borrowing.

(3) **IMPACT ON IMPROVEMENT PROGRAM.**—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that assesses the impact of the borrowing authority provided under this subsection on near-term improvement projects under the Washington Aqueduct Improvement Program, work scheduled during fiscal years 1997 and 1998, and the financial liability to be incurred.

(e) **DEFINITIONS.**—For purposes of this section, the following definitions apply:

(1) **WASHINGTON AQUEDUCT.**—The term "Washington Aqueduct" means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of the enactment of this Act, including the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir, the infrastructure and appurtenances used to treat water taken from the Potomac River by such facilities to potable standards, and related water distribution facilities.

(2) **NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMERS.**—The term "non-Federal public water supply customers" means the District of Columbia, Arlington County, Virginia, and the city of Falls Church, Virginia.

SEC. 580. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.

(a) **IN GENERAL.**—The Secretary is directed to design and implement a flood damage reduction program for the Greenbrier River Basin, West Virginia, in the vicinity of Durbin, Cass, Marlinton, Renick, Roncove, and Alderson as generally presented in the District Engineer's draft Greenbrier River Basin Study Evaluation Report, dated July 1994, to the extent provided under subsection (b) to afford those communities a level of protection against flooding sufficient to reduce future losses to these communities from the likelihood of flooding such as occurred in November 1985, January 1996, and May 1996.

(b) **FLOOD PROTECTION MEASURES.**—The flood damage reduction program referred to in subsection (a) may include the following as the Chief of Engineers determines necessary and advisable in consultation with the communities referred to in subsection (a)—

(1) local protection projects such as levees, floodwalls, channelization, small tributary stream impoundments, and nonstructural measures such as individual flood proofing; and

(2) floodplain relocations and resettlement site developments, floodplain evacuations, and a comprehensive river corridor and watershed management plan generally in accordance with the District Engineer's draft Greenbrier River Corridor Management Plan, Concept Study, dated April 1996.

(c) **CONSIDERATIONS.**—For purposes of section 209 of the Flood Control Act of 1970 (84

Stat. 1829), benefits attributable to the national economic development objectives set forth therein shall include all primary, secondary, and tertiary benefits attributable to the flood damage reduction program authorized by this section regardless of to whom they might accrue.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 581. HUNTINGTON, WEST VIRGINIA.

The Secretary may enter into a cooperative agreement with Marshall University, Huntington, West Virginia, to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences.

SEC. 582. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The Secretary shall review the watershed plan and the environmental impact statement prepared for the Lower Mud River, Milton, West Virginia by the Natural Resources Conservation Service pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) and shall carry out the project.

SEC. 583. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) **IN GENERAL.**—The Secretary shall design and construct flood control measures in the Cheat and Tygart River Basins, West Virginia, and the Lower Allegheny, Lower Monongahela, West Branch Susquehanna, and Juanita River Basins, Pennsylvania, at a level of protection sufficient to prevent any future losses to these communities from flooding such as occurred in January 1996, but no less than 100 year level of protection.

(b) **PRIORITY COMMUNITIES.**—In implementing this section, the Secretary shall give priority to the communities of Parsons and Rowlesburg, West Virginia, in the Cheat River Basin and Bellington and Phillipi, West Virginia, in the Tygart River Basin, and Connellsville, Pennsylvania, in the Lower Monongahela River Basin, and Benson, Hooversville, Clymer, and New Bethlehem, Pennsylvania, in the Lower Allegheny River Basin, and Patton, Barnesboro, Coalport and Spangler, Pennsylvania, in the West Branch Susquehanna River Basin, and Bedford, Linds Crossings, and Logan Township in the Juniata River Basin.

(c) **CONSIDERATIONS.**—For purposes of section 209 of the Flood Control Act of 1970, benefits attributable to the national economic

development objectives set forth in such section shall include all primary, secondary, and tertiary benefits attributable to the flood control measures authorized by this section regardless of to whom such benefits may accrue.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 584. EVALUATION OF BEACH MATERIAL.

(a) **IN GENERAL.**—The Secretary and the Secretary of the Interior shall evaluate procedures and requirements used in the selection and approval of materials to be used in the restoration and nourishment of beaches. Such evaluation shall address the potential effects of changing existing procedures and requirements on the implementation of beach restoration and nourishment projects and on the aquatic environment.

(b) **CONSULTATION.**—In conducting the evaluation under this section, the Secretaries shall consult with appropriate State agencies.

(c) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretaries shall transmit a report to Congress on their findings under this section.

SEC. 585. NATIONAL CENTER FOR NANOFABRICATION AND MOLECULAR SELF-ASSEMBLY.

(a) **IN GENERAL.**—The Secretary is authorized to provide financial assistance for not to exceed 50 percent of the costs of the necessary fixed and movable equipment for a National Center for Nanofabrication and Molecular Self-Assembly to be located in Evansville, Illinois.

(b) **TERMS AND CONDITIONS.**—No financial assistance may be provided under this section unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$7,000,000 for fiscal years beginning after September 30, 1996.

SEC. 586. SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS.

It is the sense of Congress that the President should engage in negotiations with the Government of Canada for the purposes of—

(1) eliminating tolls along the St. Lawrence Seaway system; and

(2) identifying ways to maximize the movement of goods and commerce through the St. Lawrence Seaway.

SEC. 587. PRADO DAM, CALIFORNIA.

(a) **SEPARABLE ELEMENT REVIEW.**—

(1) **REVIEW.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall review, in cooperation with the non-Federal interest, the Prado Dam feature of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), with a view toward determining whether the feature may be considered a separable element, as that term is defined in section 103(f) of such Act.

(2) **MODIFICATION OF COST-SHARING REQUIREMENT.**—If the Prado Dam feature is determined to be a separable element under paragraph (1), the Secretary shall reduce the non-Federal cost-sharing requirement for such feature in accordance with section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)) and shall enter into a project cooperation agreement with the non-Federal interest to reflect the modified cost-sharing requirement and to carry out construction.

(b) **DAM SAFETY ADJUSTMENT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall determine the estimated costs associated with dam safety improvements that would have been required in the absence of flood control improvements authorized for the Santa Ana River Mainstem project referred to in subsection (a) and shall reduce the non-Federal share for the Prado Dam feature of such project by an amount equal to the Federal share of such dam safety improvements, updated to current price levels.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND.

Paragraph (1) of section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from Harbor Maintenance Trust Fund) is amended to read as follows:

“(1) to carry out section 210 of the Water Resources Development Act of 1986 (as in effect on the date of the enactment of the Water Resources Development Act of 1996),”